## OP 1. Academic Affairs Standard Operating Procedures (AASOPs) and AASOPs Review Committee (ARC)

**OP 1.1 Purpose of the AASOPs.** AASOPs include specific instructions regarding the execution of policies and processes in the *Faculty Handbook*. AASOPs may also contain necessary guidelines on topics such as faculty availability to students outside of the instructional setting, required and optional syllabus statements, and the functioning of bodies like the undergraduate and graduate Academic Policies & Procedures Committees (AP&P).

**OP 1.2 Initial Enactment of the AASOPs.** The initial AASOPs were enacted in August 2023 by the Office of the Provost and Executive Vice Chancellor in consultation with the Faculty Senate, Human Resources, and Office of General Counsel.

**OP 1.3 AASOP Review Committee (ARC).** Subsequent changes or additions to the AASOPs shall be the responsibility of the ARC.

**OP 1.3.1 Membership of the ARC.** The ARC shall be formed each academic year and shall consist of the following seven (7) members:

- The Senior Vice Provost
- The Chair or Vice Chair of the Council of Chairs
- The Chair or Vice Chair of the Faculty Senate
- A member of the Faculty Governance Committee (appointed by the Chair of the Faculty Senate)
- An Associate Dean (chosen by the Senior Vice Provost in consideration of broad representation of colleges & schools)
- A representative from the Office of General Counsel
- The Faculty Hearing Committee Coordinating Chair

**OP 1.3.2 Chair of the ARC.** The Senior Vice Provost shall chair the ARC.

**OP 1.3.3 Duties of the ARC Committee Chair.** The Chair shall be responsible for:

a. calling all meetings of the committee and producing a public agenda at least fourteen (14) calendar days prior to that date;
b. presiding at the meetings;
c. ensuring minutes of each meeting are kept and circulated;
d. maintaining red-line versions of proposed changes and moderating online committee discussions of proposals;
e. updating changes to the AASOPs and publicizing those changes, with specific notice to affected groups.

**OP 1.3.4 Meetings and Business of the ARC.** The ARC shall meet once per quarter to consider any suggested changes proposed by its membership or coming from the Faculty Senate, the Council of Chairs, the Council of Deans, or the Office of Academic Affairs.

**OP 1.4 Process for Updates and Changes to the AASOPs**.

**OP 1.4.1 Technical Corrections and Conforming Changes to the AASOPs**. All technical corrections and conforming changes to the AASOPs required by changes in state or federal law, UNC System or Appalachian State University policy, shall be made by the Senior Vice Provost with final approval by the Provost and Executive Vice Chancellor.

**OP 1.4.2 Recommendations for Changes to the AASOPs.** Recommendations for changes to the AASOPs may come from the Faculty Senate, the Council of Chairs, the Dean's Council, or the Office of Academic Affairs. Those recommendations shall be submitted to the Senior Vice Provost in redline form no later than one (1) calendar month prior to an ARC meeting.

**OP 1.4.3 Consideration of Changes by the ARC.**The Senior Vice Provost shall promptly make the redline available to ARC members in a private, online forum for discussion and comments prior to the next upcoming meeting. Discussion may also occur at the meeting.

**OP 1.4.4 Campus Review of Draft AASOP Changes.** If the ARC votes in favor of a change to the AASOPs, the Senior Vice Provost shall issue a proposed redline version to the Faculty Senate, the Council of Chairs, the Dean's Council, and the Office of Academic Affairs for feedback no less than two (2) weeks after its meeting. The ARC shall consider and vote on a final draft at its next meeting.

**OP 1.4.5 Final Approval of AASOPs Changes.** All recommended changes to the AASOPs must be approved by the Provost and Executive Vice Chancellor.

**OP 1.4.6 Plan for Implementation and Circulation of AASOPs Changes.** All changes to the AASOPs shall include an implementation date and a plan for circulation to groups affected by the change.

## OP2. Instructional Related Protocols

**OP 2.1 Instructor Availability.** Every instructor is required to be available to consult with students outside of any formal class setting. Each academic unit shall maintain a policy in its foundational documents that establishes appropriate times and forms for such consultation (i.e. office hours, virtual meetings, email or text exchanges). Instructors shall share contact information and availability with students.

**OP 2.2 Instructor Absences and Missed Instructional Time.** If an instructor must cancel a class (or equivalent) for any reason, the Department Chair or other unit administrator shall be notified. The instructor must make appropriate arrangements for the missed instructional time. (See also *Faculty Handbook* 3.4.7, 4.5 for more information on absences and 5.1, 5.4, and 5.5 for leaves of absence).

**OP 2.3 Syllabus.** A syllabus must be prepared for each course and posted on a publicly available online platform.

**OP 2.3.1 Content of the Syllabus.** The syllabus shall include the following:

- Course name and prefix, along with the course description;
- All goals, objectives, student learning outcomes, and/or student expectations for the course;
- An explanation of how student performance will be assessed, including the grading scale, percentage breakdown of major assignments, and how attendance or participation will affect a student's grade;
- List of all course materials (physical and/or electronic) that students are required to purchase; and
- A statement noting that the course engages diverse scholarly perspectives to develop critical thinking, analysis, and debate and inclusion of a reading does not imply endorsement.

**OP 2.3.2 Policy Statements.** The policy statements have been developed by campus bodies for inclusion in the course. All are continually vetted for consistency with university policy and updated. Refer to the Academic Affairs webpage to find the Policy and Statement Information.

**OP 2.4 Optional Policy Statements.** The optional policy statements have been developed by campus bodies for optional inclusion in the course. All are continually vetted for consistency with university policy and updated. Refer to the Academic Affairs webpage to find the Optional Policy and Statement Information.

**OP 2.5 Student Behavioral Issues.**

**OP 2.5.1 Disorderly or Disruptive Student Behavior.** In cases where a student is disorderly or disruptive in the classroom, laboratory, or other instructional-related setting (including a faculty member's office or a virtual session), the instructor may immediately require the student in question to leave the premises or terminate that student's connection. Instructors may choose to contact the Appalachian State University Police Department or other law enforcement if the situation warrants such.

**OP 2.5.1.2 Incident Reports.** All behavioral incidents should be reported to the Student Conduct Division by phone or by using this form.

**OP 2.5.1.3 Temporary Exclusion of the Student.** The instructor has the right to temporarily exclude a student from a class for disorderly or disruptive behavior until the situation is dealt with and resolved in a timely manner, including through the student judicial process.

**OP 2.5.2 Inappropriate Communication from Students.** In cases where student communication by electronic means is abusive or troubling or inappropriate, instructors should seek out support from the Student Conduct Division by phone or by using this form. Instructors may choose to contact the Appalachian State University Police Department or other law enforcement if the situation warrants such.

**OP 2.5.2.1 Temporary Exclusion of the Student.** The instructor has the right to temporarily exclude a student from a class for abusive or troubling communication until the situation is resolved in a timely manner, including through the student judicial process.

**OP 2.6 Student Academic Misconduct.** Instructors should resolve alleged violations of the Academic Integrity Code by following informal or formal resolution procedures as identified in Article VI of the Academic Integrity Code.

**OP 2.7 Student Advising.** Since advising practices vary at the upper division level, students who have declared a major should contact their major department for advising information. Many faculty members will be able to answer general questions about University regulations and requirements, but others will refer students to departmental, college/school, or University advisors for both general and specialized advising.

**OP 2.8 Final Examinations.** All classes must meet during the final examination period. All final examinations shall be given at the assigned time during that examination period.

- An instructor may NOT change the date or time of an examination without permission of the Department Chair and Dean.
- A class which meets at an hour not provided for in the Final Examination Schedule must arrange for an examination during the examination period at an hour convenient to members of the class and the instructor, and with the approval of the Department Chair.
- Exams for asynchronous classes shall be offered during the examination period.

A student may take an examination outside of the scheduled time only by permission of the instructor of the course. Permission is granted only in case of emergency. A student who is absent from a final examination because of an emergency takes any make-up examination at the convenience of the instructor.

**OP 2.9 Final Grades.** Final semester grades are reported to the Registrar's Office via the Faculty Services Tab on the MyApp page no later than 1:00 P.M. on the day following the Faculty Grading period. Faculty members who cannot meet the final grade submission deadline should contact the Registrar's Office for an extension of time for reporting grades. In all circumstances, except those stipulated below, the grades recorded shall be those assigned by the instructor of record.

**OP 2.9.1 Instructor Failure to Report Grades.** In the event that an instructor has not turned in a grade or grades on time, and if the instructor cannot be located, an interim grade of "NR" (Grade Not Reported) will be assigned by the Registrar's Office. If a

graduating student is involved, the Departmental Chair may, with the concurrence of two other tenured or tenure-track department members, assign a grade.

**OP 2.9.2 Instructor Incapacitation.** In the event that a faculty member becomes incapacitated prior to the time grades should have been assigned, the Department Chair, along with two other tenured or tenure-track department members, shall jointly decide the action to be taken.

**OP 2.10 Grade Changes.** Instructors should exercise extreme care in evaluating students and in reporting grades. Prior to the close of the grading period, instructors may change grades via the Faculty Services Tab on the MyApp page. Subsequent to the close of the grading period, instructors should complete the process described on the Grade Change page. Except for removing or extending an I (incomplete), the only permissible reasons for a grade change are an error on the part of the faculty member in calculating or in reporting the student's grade.

**OP 2.11 Final Grade Appeal.** Students are encouraged to resolve issues regarding final grades with the instructor. If that effort is unsuccessful, students can utilize the Final Grade Appeal process.

**OP 2.12 Instructor Responsibility During Emergencies.** Instructors should prepare for emergency situations and sign up for emergency alerts. The University and/or emergency officials may ask instructors to seek safe shelter, shelter in-place, evacuate, or lockdown. Instructors need to understand what each of these terms mean and prepare to assist students during an emergency. This preparedness page delineates procedures and includes instructor responsibilities.

**OP 2.13 Course Modality Modification.** Courses must be taught in their assigned modality as listed on the published course schedule. If the modality of multiple sessions for a course section needs to be changed over the course of the semester, the faculty member shall submit a written request to the Department Chair. In cases of university-wide changes in modality (such as weather-related closings), faculty are not required to notify Department Chairs. The Department Chair may request detailed justification for the modification, including a description of how student engagement and learning outcomes will be maintained in the new modality and a plan for communicating the change to all stakeholders. The Department Chair shall review the request and provide a recommendation to the Dean. The Dean shall review and provide a final decision to grant or deny the modality modification. A faculty member may appeal a denied request for a modality modification to the Provost and Executive Vice Chancellor.

**OP 2.13.1 Modality Change Notification.** Upon approval of a modality change, the faculty member shall be responsible for notifying enrolled students in the course. When possible, an alternate section or course substitution should be made available.

**OP 2.13.2 Post-Census Modality Changes.** Modality changes after the census date are discouraged and will only be considered under extenuating circumstances. The faculty member shall submit a request in writing to the Department Chair the request and review process shall include all requirements listed in OP 2.13.

**OP 2.13.3 Requests Related to Disability or Medical Condition**

Requests related to a disability or medical condition shall be referred to the Office of Access and Opportunity and handled through the University's applicable accommodation process. Faculty members are not required to disclose medical or disability-related information to the Department Chair or Dean as part of a modality modification request.

**OP 2.13.4 Failure to comply.** Once a faculty member receives written notice of violation by a supervisor, failure to take corrective action may result in disciplinary action in accordance with applicable University policies and procedures.

## OP 3. Application Protocols for Reappointment, Promotion, and Tenure

**OP 3.1 Materials for Subsequent Appointment, Reappointment, and Promotion without Tenure Consideration.** Materials for faculty seeking subsequent appointment, reappointment prior to tenure consideration (e.g., third year review), or promotion without tenure consideration (e.g., promotion to full professor), shall follow department, college or academic unit guidelines (in the foundational documents of the unit) for submission of materials to the APT Committee. The guidelines must have a list of materials to be submitted which must include, at minimum, the following items:

1. cover letter (maximum 3 pages);
2. summary one-page vita (see template);
3. candidate's vita, including evidence (as appropriate for the position, e.g. clinical, research, library) related to teaching, research/creative endeavors, and service. The organization of these entries is up to the candidate, but the outline should include education and experience; awards and honors; peer-reviewed/juried products (grant/contract funding, publications, presentations, exhibits, etc.); course development and teaching responsibilities and innovations; outreach and/or service to the department, college, school, University, and discipline;
4. copies of the Annual Reviews by the Department Chair;
5. copies of Peer Observations of Teaching;
6. copies of Post-Tenure Reviews (PTRs), if applicable
7. copies of graduate faculty membership materials, if applicable;
8. The Appointment/Reappointment/Promotion and/or Tenure Guidelines of the candidates' department/college/unit.

**OP 3.1.1 Reappointment Timeline when Granted Credit Towards Tenure.** If granted 1 or 2 years of credit toward tenure, the faculty member will apply for reappointment in the second year of their 3-year contract.

**OP 3.2 Portfolio for Promotion with Tenure Consideration or Tenure Consideration.** Materials for Assistant Professors seeking promotion to Associate Professor with the conferral of tenure or Associate Professors seeking the conferral of tenure shall be submitted as a Promotion & Tenure (P&T) Portfolio in accordance with the University workflow in the Faculty Handbook. The P&T Portfolio consists of the following parts: (1) the P&T Dossier and (2) the Collection of Artifacts/ Documentation appropriate to the faculty member's discipline.

**OP 3.2.1 The P&T Dossier.** The P&T dossier shall consist of the following and be placed in the following order:

a. cover letter (maximum 3 pages);
b. summary one-page vita;
c. candidate's vita, including evidence related to teaching, research/creative endeavors, and service. The organization of these entries is up to the candidate, but the outline should include education and experience; awards and honors; peer-reviewed/juried products (grant/contract funding, publications, presentations, exhibits, etc.); course development and teaching responsibilities and innovations; outreach and/or service to the department, college, school, University, and discipline;

d. the P&T policies of the candidate's department/college/unit;

(Items e-g below should be no more than a total of 18 pages and each section should be no less than 2 pages.)

e. evidence of quality and effective teaching:
    i. A narrative statement describing the candidate's teaching philosophy and experience.
    ii. A discussion of three particularly notable indicators.
f. evidence of quality research/creative activities:
    i. A narrative statement describing the candidate's research/ creative activities philosophy and experience.
    ii. A discussion of three particularly notable indicators.
g. evidence of contributions to the department/college/university and/or the profession through service or outreach:
    i. A narrative statement describing the candidate's service or outreach philosophy and experience.
    ii. A discussion of three particularly notable indicators.
h. copies of Annual Reviews by the department chair;
i. written recommendations of the department's APT Committee, chair, dean, and provost and executive vice chancellor will accompany the P&T dossier forwarded at each appropriate stage of the review;
j. graduate faculty membership (optional): If also requesting or renewing graduate faculty membership, the faculty member will follow the process in section 6.1 of the *Faculty Handbook*.

**OP 3.2.2 The Collection of Artifacts/Documentation.** The collection of artifacts/documentation may include, but is not limited to, the following: books, articles, recordings, videos, texts of grants and /or works in progress, other creative scholarly work, students' reviews of teaching, peer observations of teaching, syllabi, sample student work, and letters documenting service. The materials should be submitted separately to the Department Chair for review by the APT committee.

**OP 3.3 Submission of the Portfolio for Promotion and/or Tenure**. The P&T dossier shall be submitted through the online submission portal in InfoReady (link to be added) to the Department Chair for consideration by the APT Committee. Artifacts and documentation should be submitted electronically, printed form, or a combination directly to the Department Chair. Artifacts and Documentation should not be submitted in the InfoReady submission portal.

**OP 3.4 Use of the P&T Portfolio.** The APT Committee and Department Chair shall use both the dossier and the collection of artifacts when evaluating the candidate for tenure and/or promotion. However, after a department's deliberations are completed, only the P&T Dossier shall leave the department and go to the Dean of the candidate's college. The collection of artifacts/documentation shall be stored in the department and be available upon request during the remainder of that faculty member's P&T process.

**OP 3.5 Tenure Clock Extension Due to Extenuating Circumstances Process.** A faculty member who meets the criteria set forth in the Faculty Handbook 5.6 may petition for a one-year extension to the tenure clock. The faculty member shall make the request by completing this request FORM and submitting it to the Department Chair for review. The Department Chair shall forward it to the Dean for review. The Dean shall forward their recommendation to the Provost for final approval. The decision of the Provost shall be final. The request for extension shall be made by the 2nd week of September in the year the personnel action is to take place.

## OP 4. Faculty Workload, Annual Reviews, Faculty Teaching Performance Indicators, Post-Tenure Review

**OP 4.1 Faculty Professional Workload and Annual Evaluations.** Because faculty workloads may be varied in the distribution of duties by academic discipline, accrediting standards, and missions of the department, unit, college, and university and because of the complexity of faculty work activities, individual faculty workloads are managed at the department level. Department chairs are required to hold at least one conference with every member of the department who is to continue as a member of the faculty for the next year to discuss the annual evaluation and create a work plan for the next academic year.

**OP 4.1.1 Faculty Professional Workload Guidelines.** The voting-eligible faculty of each department shall develop, in line with *UNC Policy Manual* 400.3.4 *Faculty Handbook* Section 2.6 through 2.10, and in consultation with the Dean and Department Chair, written workload guidelines. These guidelines shall be voted on by the voting-eligible faculty and shall be part of the department's foundational documents. These guidelines shall:

a. be consistent with the expectation that, in general, a 1.0 FTE appointment equates to a faculty teaching load of 24 credit hours (or equivalent contact hours) per academic year. Faculty members holding additional responsibilities for research/creative activities and service as identified in their annual work plan may have their teaching workload adjusted on a commensurate basis with approval of the Department Chair and Dean;
b. specifically outline any relevant course load equivalencies for lab, clinical, studio, oversized, distance, fully online or hybrid course.;
c. detail how other instructional efforts, such as developing courseware or other materials for technology-based instruction, supervising undergraduate research and masters' theses and doctoral dissertations, directing students in co-curricular activities, preparing and equipping new laboratories, supervision of teaching assistants, supervision of internships, academic advising, mentoring, and other activities that support student success, contribute to a faculty member's total workload;
d. designate the means and extent by which a faculty member's scholarship, research, and/or creative activity in that person's area of specialization, including (but not limited to), working in laboratories and studios, conducting empirical and/or theoretical research, engaging in development or translational work, and/or producing creative works such as articles, monographs, and grant proposals, editing scholarly journals, preparing juried art exhibits, directing centers and institutions, or performing in plays, concerts, or musical recitals, count toward the faculty member's total workload;
e. designate the means and extent by which a faculty member's service activities that enhance the scholarly life of the university or the discipline, improve the quality of life or society, promote the general welfare of the institution, professional and academic societies, the community, the state, the nation, or international community or a faculty member's administrative responsibilities, (including but not limited to, department chair, program director, and center director) contribute to a faculty member's total workload;
f. attend to workload equality among faculty.

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**OP 4.1.2 Faculty Annual Workload Plan.** Each faculty member shall work with their department chair or supervisor to develop a work plan for the upcoming academic year (July 1-June 30), in alignment with the institution's workload expectations and the needs of the academic department, college/school, or institution, in accordance with *Faculty Handbook* Section 2.6 through 2.10.

**OP 4.1.2.1 Recording Annual Workload Plan.** After reviewing the workload plan for the upcoming year with their Department Chair, each faculty member shall input their workload plan through the online submission form in Qualtrics by August 31th

**OP 4.1.2.2 Calculating Percentages, Course Buyouts & Course Overloads.** The standard distribution of effort for tenure-track faculty members each academic year is 60% teaching (10% per 3-hour course), with the remaining 40% allocated between research and service. The standard distribution effort for full time special faculty is 80% teaching and 20% service. A course buyout is equivalent to a shift of 10% effort. A course overload may or may not be reflected in a percentage shift but should articulated in comments section of the Workload Plan form. Calculations exclude summer efforts unless otherwise specified for faculty members with 10,11,or 12-month contracts.

**OP 4.1.2.3 Mid Cycle Revisions**. A faculty member with a qualifying circumstance outlined in the Faculty Handbook (see section 2.10.2) may revise their workload with approval of the Department Chair by January 31.

**OP 4.1.2.4 Leave on Faculty Workload Plan.** Any academic year during which a faculty member is on paid/unpaid family or medical leave (i) for more than twenty-five (25) class days of the academic year or (2) receives a total teaching load reduction of more than six (6) credit hours per semester, excluding buyouts, shall qualify for a mid-cycle revision to their workload plan (see OP 4.1.2.3) upon their return from leave. The faculty member may request in writing to their department chair that their workload plan remain the same.

**OP 4.1.3 Faculty Annual Evaluation.** During the spring term, each faculty member shall be evaluated for the calendar year in accordance with the applicable section of the *Faculty Handbook* (see sections 3.7 and 4.10). The Department Chair or unit supervisor shall provide a written review which shall discuss the faculty member's performance related to the elements included in the annual work plan and shall evaluate each element of the faculty member's performance as either meeting, not meeting or exceeding expectations in accordance with departmental standards as indicated in the foundational documents with specific reference to work done well and suggestions for improvement or constructive feedback regarding performance. The Department Chair shall also assess the faculty member's progress toward the next summative/comprehensive review.

**OP 4.1.3.1 Faculty Response to the Annual Evaluation.** All faculty members shall be entitled to respond to the Annual Evaluation in writing. That response must be within ten (10) calendar days of the spring conference. Any written response(s) shall be appended by the Department Chair to the Annual Evaluation as part of the permanent record.

**OP 4.1.3.2 Leave on Annual Review.** Any academic year during which a faculty member is on paid/unpaid family or medical leave (i) for more than twenty-five (25) class days of the academic year or (2) receives a

total teaching load reduction of more than six (6) credit hours per semester, excluding buyouts, an annual review shall not be completed for that year. A faculty member may request to bypass the annual review waiver and participate in an annual review for the year they received an unpaid or medical leave.

**OP 4.1.4 Faculty Success Plans**.

**OP 4.1.4.1 FSP Imposition Criteria** The following faculty members shall be placed on a Faculty Success Plan ("FSP"):

a. Any faculty member who receives a rating of "Does Not Meet Expectations" in any category on an annual evaluation; or

b. Any faculty member who receives an overall rating of "Does Not Meet Expectations" in a post-tenure review.

**OP 4.1.4.2 FSP Development** The Department Chair should develop the FSP in consultation with the faculty member. The FSP must be approved by the Dean before implementation, and the effective date of the FSP shall be the date of Dean approval.

**OP 4.1.4.3 Timelines of FSPs**. For FSPs arising from an annual evaluation, the duration shall be one year. For FSPs arising from a post-tenure review with an overall rating of "Does Not Meet Expectations," the duration shall be at least one year and may extend beyond one year, depending on the areas requiring improvement.

In all cases, required improvement activities must be reasonable, measurable, and achievable within the established timeframe.

**OP 4.1.4.4** If a faculty member is placed on an FSP as part of an annual evaluation, the FSP shall be aligned with the faculty member's annual work plan. If a faculty member is placed on a FSP following a post-tenure review, the FSP shall be aligned with the faculty member's long-term work plan.

**OP 4.1.4.5 Implementation of a FSP.** Because the FSP is designed to be formative in nature and is intended to support faculty development and improvement, the Department Chair is encouraged to implement supportive measures including but not limited to:

a. Encourage peer mentoring as part of the FSP;

b. Meet with the faculty member no fewer than twice per year to assess progress;

c. Provide regular, constructive feedback regarding progress toward stated goals; and

d. Document progress toward completion of the FSP

**OP 4.1.4.6 Adjustments to Duties and Responsibilities**. As part of the FSP, the Department Chair, in consultation with the Dean, may adjust the faculty member's workload or distribution of responsibilities. Any such adjustments must be:

a. Non-punitive in nature;

b. Must be designed to support improved performance; and

c. Shall be reflected in the faculty member's annual and, where applicable, long-term work plans.

**OP 4.1.4.7 Outcomes and Failures to Meet Expectations**.

**OP 4.4.6.1** If the faculty member does not achieve the required improvement within the FSP period, the University may take further action consistent with Chapter VI of *The Code of the University of North Carolina*, including the imposition of appropriate sanctions.

**OP 4.1.4.8** If the faculty member does achieve the required improvement within the FSP period, the Department Chair shall draft a brief memo articulating the FSP completion and attach it to the Faculty Success Plan within 30 days of meeting with the faculty member. The faculty member's expectations shall return to standard workload following completion of the FSP unless otherwise specified.

**OP 4.1.4.9 Maintenance and Oversight of FSP.** While it is on-going, a copy of the faculty member's FSP shall be kept in the same file as the faculty member's Annual Workload Plan. Deans shall be responsible for tracking the successful completion and/or continual progress of FSPs in their college(s) of responsibility.

**OP 4.1.4.10 Leave on Faculty Success Plans**. Any academic year during which a faculty member is on paid/unpaid family or medical leave (i) for more than twenty-five (25) class days of the academic year or (2) receives a total teaching load reduction of more than six (6) credit hours per semester, excluding buyouts, shall result in an automatic renewal of the faculty success plan that was in place at the time the faculty member started their paid/unpaid family or medical leave. The renewal will include updated performance deadlines within ten (10) days of the last day of the paid/unpaid family or medical leave. The renewal may take into consideration completed goals towards the Faculty Success Plan.

**OP 4.4.4.11 Right to Grieve FSPs.** Consistent with The Code & UNC Policy Manual, a faculty member may choose to grieve violations of federal or state law, UNC Policy or Regulation, or constituent institution policy or regulation of the PTR process or Faculty Success Plan [FSP] and where the faculty member was negatively affected by such decision. This grievance must be filed in accordance with the provisions of Section 607 of The Code & The UNC Policy Manual. The faculty member shall not be required to adhere to the terms of any FSP, if a grievance has been timely filed and a Faculty Hearing Committee panel is in the process of determining if the grievance shall be heard, is hearing the grievance, or if all appellate processes are not completed [see OP 9, Faculty Employment Rights].

**OP 4.1.5 Required Training.** Department Chairs, Deans, and faculty subject to workload plan requirements shall be required to participate in annual training provided by Academic Affairs. This training shall include information related to the process for submitting annual workload plans and information about faculty success plans.

**OP 4.2 Faculty Teaching Performance Indicators.** Faculty with teaching responsibilities shall have their teaching performance reviewed annually by methods that include: (1) Student reviews of teaching conducted at regular intervals (at least one semester of each academic year), (2) Peer reviews of teaching including direct observation of the classroom and other relevant assessments. These assessments shall occur as designated by the *Faculty Handbook* sections 3.6 and 4.9 as well as relevant department policies.

## OP 4.3 Post-Tenure Review (PTR)

**OP 4.3.1 PTR and Tenured Academic Administrators.** If a faculty member is reassigned to other duties (e.g., department chair or academic unit head) for .50 FTE or more, or is occupying a leave-earning position (e.g., SAAO Tier I, Tier II, or similar EPS appointment), that faculty member shall not be required to undergo post-tenure review until having completed a five-year cycle following the return to full-time faculty.

**OP 4.3.2 PTR and Faculty on Leave.** Any academic year during which a tenured faculty member is on unpaid professional leave or paid/unpaid medical or family leave for more than 25 class days of the academic calendar, or receives a total teaching-load reduction of more than six credit hours for medical or family reasons, will not count for the post-tenure review five-year cycle unless the faculty member requests in writing to the Department Chair that it be counted. Such a request must be made within one calendar year following the end of the leave or course-load reduction.

### OP 4.3.3 PTR Committee Election and Training

**OP 4.3.3.1 PTR Committee.** Each Department shall have in its foundational documents a procedure for:

1. Election by the tenured faculty of a PTR Committee composed of at least three (3) tenured faculty to staggered, non-renewable (where possible), three (3) year terms.
    a. In the event that there are not three tenured faculty in the Department, the process shall indicate that tenured faculty make nominations and elect the necessary number of tenured faculty members from an allied discipline to serve on the PTR Committee. Faculty from allied disciplines will serve one (1) year terms.
2. A process for election of members to fill vacancies in the PTR.
3. A process for the appointment of a PTR Chair. That process may be election by the tenured faculty, election by members of the PTR Committee, or appointment by the Department Chair.
4. A process to ensure that all PTR considerations conform to OP 10.1, *Professionalism in Personnel Decision Making.*

**OP 4.3.3.2 PTR Committee Training.** All members of a PTR Committee shall complete training annually via [Link to Training] on how to perform a meaningful and unbiased review of a faculty member.

**OP 4.3.4 PTR Five Year-Plan.** At the beginning of the PTR cycle, the faculty member shall develop with the Department Chair a five-year goal or plan. This plan can be modified annually by the faculty member, in consultation with the Department Chair, as deemed appropriate by changes in institutional, departmental, or personal circumstances. Annual reviews shall be considered as a component of post-tenure review, but alone are not a substitute for a comprehensive five-year evaluation.

**OP 4.3.5 PTR Materials.**

**OP 4.3.5.1 Materials Submitted to the PTR Committee by the Faculty Member.** Each faculty member under review shall provide their self-assessment of their performance over the previous five (5) years. The self-assessment shall be composed of:

1) the faculty member's long-term, 5-year work plan with any noted updates to the plan since its creation;
2) copies of each annual review for the past 5 years;
3) evidence of teaching effectiveness, which may include student feedback;
4) peer reviews of teaching;
5) self -assessment;
6) professional development specific to improving teaching;
7) and a current curriculum vita.

Any narrative sections of the self-assessment should not exceed five pages in length. These materials will be submitted in InfoReady.

**OP 4.3.5.2 Materials Submitted to the PTR Committee by the Department Chair.** The Department Chair shall provide the PTR committee with copies of the faculty member's annual reviews for the previous five (5) years and a copy of the faculty member's five-year goal or plan with any noted updates to the plan since its creation.

**OP 4.3.6 PTR Committee Procedures.** The following procedures shall guide the PTR process.

**OP 4.3.6.1 Calling Meetings of the PTR Committee.** The PTR Committee Chair shall call and schedule all PTR Committee meetings. The announcement shall clearly state the time and location (or means) of the meeting and how to access all materials pertinent to the meeting.

**OP 4.3.6.2 Location and Type of PTR Committee Meeting**. All meetings of the PTR Committee shall be held on campus, or via electronic access on a University approved platform, or shall combine these two options. If the meeting is conducted electronically (in whole or in part), the PTR Committee Chair shall host the meeting. Any University employee participating in a PTR Committee meeting electronically is responsible for securing a setting that maintains the confidentiality requirements of the PTR Committee.

**OP 4.3.6.3 Electronic Recording of PTR Committee Meetings.** Because of the confidentiality required for consideration of personnel matters, electronic recording of PTC Committee meetings by any party is prohibited.

**OP 4.3.6.4 Conduct of PTR Committee Meetings**. All PTR Committee meetings shall be conducted using procedures outlined in *Robert's Rules of Order,* as currently revised.

**OP 4.3.6.5 Keeping of PTR Committee Meeting Minutes.** The PTR Committee shall select someone to take minutes at each meeting. The minutes shall record:

1. all persons in attendance at the meeting and all members of the committee absent from the particular meeting;
2. any business under discussion;

3. any action considered. All motions shall be stated in the affirmative. The record shall state that the PTR formally considered a candidate and shall state the materials and criteria that were considered, but the record shall not include individual comments;
4. all votes (the number of affirmative votes and negative votes) on each action, but not the votes of individual members of the committee.

**OP 4.3.6.6 Confidentiality of PTR Committee Meetings.** Confidentiality must be maintained by the PTR Committee. Confidentiality means not sharing or discussing any of the following outside of the PTR Committee: any materials submitted, PTR Committee discussions and deliberations, and PTR Committee determinations. No discussion of PTR Committee members about a personnel matter shall take place outside the confines of an PTR Committee meeting.

**OP 4.3.6.7 Security of PTR Materials.** All materials shall remain in a secure location in the departmental office (under the supervision of the Department Chair) and/or in a secure University electronic server file with access provided to all PTR members and subsequent reviewers.

**OP 4.3.6.8 PTR and Joint Appointees.** In the case of a joint faculty appointee, the Department Chair shall make sure that any process necessary in any other Department regarding that faculty member's PTR stipulated in the letter of appointment is undertaken.

**OP 4.3.6.9 PTR Committee Evaluation.** The PTR committee shall review all submitted materials and shall draft a one (1) page summary concerning its evaluation. The faculty member's performance over the previous five (5) years shall be ranked as either: (1) exceeds expectations; (2) meets expectations; or (3) does not meet expectations. This summary shall be in writing on this form and provided to the faculty member and the Department Chair(s) within twenty (20) calendar days of receiving the materials, barring any extenuating circumstances. This summary shall include recognition for exemplary performance, if applicable.

**OP 4.3.7 Right to Grieve Post Tenure Review/Faculty Success Plan.** Consistent with *The Code & UNC Policy Manual,* a faculty member may choose to grieve violations of federal or state law, UNC Policy or Regulation, or constituent institution policy or regulation of the PTR process or Faculty Success Plan [FSP] and where the faculty member was negatively affected by such decision. This grievance must be filed in accordance with the provisions of Section 607 of the *The Code & The UNC Policy Manual*. The faculty member shall not be required to adhere to the terms of any FSP, if a grievance has been timely filed and an Faculty Hearing Committee panel is in the process of determining if the grievance shall be heard, is hearing the grievance, or if all appellate processes are not completed [*see OP 9, Faculty Employment Rights].*

**OP 4.3.8 Reward and Recognition for Exceeding Expectations**. Faculty members whose post-tenure review results in an overall rating of "exceeds expectations" shall be considered to have successfully completed the post-tenure review process. The university recognition is differentiated by the faculty member's rank.

**OP 4.3.9 Associate Professors.** For faculty members with the rank of

associate professor, the Dean shall provide a formal letter of recognition. This letter shall be placed in the faculty member's personnel file. The Dean shall forward the faculty member's materials to the Provost and Executive Vice Chancellor for additional recognition.

**OP 4.3.10 Professors.** For faculty members with the rank of professor, the Dean shall provide a formal letter of recognition. This letter shall be placed in the faculty member's personnel file. The Dean shall forward the faculty member's materials to the Provost and Executive Vice Chancellor for additional recognition or reward.

**OP 4.3.10.1 Reward.** In fiscal years where funding is available, faculty with the rank of professor whose post-tenure review results in an overall ranking of "exceeds expectations" shall be recognized for exemplary performance in the form of a financial reward. Award of this financial incentive is contingent upon the availability of institutional funds. In fiscal years where funding is unavailable, the Provost reserves the right to consult with Finance & Operations and/or the Chancellor to identify possible other funding and/or possibly delay the increase until a future year, provided funding is available.

## OP 5. Faculty Leaves

### OP 5.1 Process for Requesting Professional Leave

**OP 5.1.1 Request.** All requests for professional leave shall be made to the faculty member's Department Chair/Supervisor. The request shall include a proposal for the use of the leave, any supporting documents, and the dates for which the faculty member is requesting leave.

**OP 5.1.2 Department Chair Recommendation**. The Department Chair shall make a recommendation, which shall include a plan for covering the requesting faculty member's course(s) and other work. It shall be forwarded with the faculty member's request for professional leave to the Dean.

**OP 5.1.3 Dean Recommendation**. The Dean shall consider the faculty member's request for professional leave and the Department Chair's recommendation before making an independent recommendation. All recommendations and the proposal shall then be forwarded to the Provost and Executive Vice Chancellor.

**OP 5.1.4 Provost Decision.** The Provost's decision to grant or deny the leave, which is final, shall be provided to the faculty member in writing and copied to the Department Chair and Dean. If granted, this notice will include the terms of the leave.

### OP 5.2 Process for Requesting Reassigned Time & Appealing a Denial of Reassigned Time.

**OP 5.2.1 Requests for Reassigned Time.** All requests for Reassigned Time must be submitted to the Department Chair no later than the first day of class of the term one year prior to the requested leave. The submission must include the items detailed in Faculty Handbook section 5.3.4.

**OP 5.2.2 Department Recommendation.** The Department Chair shall submit all materials to a committee made up of all tenured and tenure-track faculty in the department. A majority vote and an independent recommendation from the Department Chair is required before a request shall be submitted to the Dean for consideration. The Chair's recommendation must include how a faculty member's classes will be covered during their reassigned time leave.

**OP 5.2.3 Dean Recommendation.** Upon consideration of the request and the needs of the department/college, the Dean shall submit an independent recommendation to approve or deny the Reassigned Time request to the Provost and Executive Vice Chancellor. The dean's recommendation must include how a

faculty member's classes will be covered during their reassigned time leave.

**OP 5.2.4 Provost Decision.** It is the sole discretion of the Provost to grant or deny the Reassigned Time. The Provost's decision shall be provided to the faculty member in writing and copied to the Department Chair and Dean.

**OP 5.2.5 Appeal Process if Request is Denied.** A faculty member may appeal a denied request for Reassigned Time to the Senior Vice Provost within ten (10) calendar days of receiving the Provost's decision. The Senior Vice Provost shall organize and convene a committee of three faculty from an affiliated discipline to review the proposal and make an appellate recommendation to the Provost and Executive Vice Chancellor. The decision of the Provost shall be final.

**OP 5.3 Family/Medical and The Tenure Clock.** When a tenure-track faculty member is granted Family/Medical Leave [FH 5.4], an automatic one-year extension of the tenure clock will be granted. A maximum of two (2) automatic one-year extensions of the tenure clock may be granted to an individual under this process. Notwithstanding the foregoing, a faculty member may opt out of the automatic one-year extension to the tenure clock by completing this FORM. The Form should be sent to Academic Affairs with copies to the Dean and Department Chair/Supervisor.

**OP 6 Graduate Faculty AASOPs**

**OP 6.1.Timing of Applications for Graduate Faculty Membership.** While, if necessary, applications for graduate faculty membership may be submitted at any time, the following guidelines are typical:

a. For Special Faculty, the application process will coincide with hiring and subsequent appointment.
b. For Tenure-Track Faculty, the application process is automatic and shall coincide with hiring. Subsequent renewals take place during tenure and promotion (typically the 6th year of employment), and every 5 years thereafter.
c. For Tenured Faculty, the application process shall coincide with promotion and/or post-tenure review, unless a special need arises for membership in the interim.
d. For Tenured Faculty holding an administrative appointment and not subject to PTR, they shall be eligible to apply every five (5) years.

**OP 6.2 Application for Graduate Faculty Membership.**

**OP 6.2.1 Tenure-Track and Tenured Faculty:** Newly hired tenure track/tenured faculty become a member of the graduate faculty at the point of hire, no additional application process for membership is required. To ensure the Graduate Faculty status is granted the hiring Dean must include as part of the Dean's Recommendation this request for graduate status. The graduate faculty request shall be forwarded to the Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies

**OP 6.2.2 SpecialFaculty and Faculty Members Seeking Affiliate Status:** For Special Faculty seeking graduate faculty membership and faculty members who may require affiliate status, the Department Chair (or equivalent School/Libraries) shall forward the signed Graduate Faculty Nomination form along with a current *Curriculum Vita* and a brief letter summarizing evidence of engagement in graduate education and research during the last five years to the Dean of the Academic College/School/Libraries for approval. Once approvals have been attained at department and college/school/libraries, the recommendation is forwarded to the Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies

**OP 6.3 Faculty members seeking review and renewal of appointment as a member of the Graduate Faculty.** Renewals of all graduate faculty appointments require the faculty member to submit the following to their Department Chair: A completed application form; and a cover letter summarizing evidence of engagement in graduate education and research in the last five (5) years, including specifically the following: (a) evidence of effective teaching and mentoring at the graduate level; or evidence of potential for effective teaching and mentoring at the graduate level; and (b) evidence that the faculty member is staying current in the discipline.

**6.3.1 Review of Graduate Faculty Applications by the APT Committee.** Once materials are submitted by the faculty member, the Department Chair shall forward the materials to either the APT Committee Chair or the PTR Committee Chair depending on the type of review the faculty member is undergoing. The respective committee shall meet to consider the application and then forward their recommendation to the Department Chair.

**6.3.2 Chair and Dean Consideration of Application.** Upon receipt of the APT or PTR Committee's recommendation, the Department Chair shall review all materials and provide an independent recommendation. The Department Chair shall forward either the APT or PTR Committee's recommendation and the Department Chair's recommendation to the Associate Vice Provost and Dean of the Cratis School of Graduate Studies who shall inform the applicant of the final decision in a timely manner.

**OP 6.4 Removal of Graduate Faculty/Affiliate Graduate Faculty Membership.** Graduate Faculty or Affiliate Graduate Faculty membership may be removed (separate from the conclusion of an appointment) by the following process.

**OP 6.4.1 Removal for Failure to Maintain Requirements of the Position.** A faculty member's Graduate Program Director or Department Chair, as well as the Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies, can initiate removal of a faculty member from the Graduate Faculty for failure to maintain the requisite requirements of the position (see *Faculty Handbook* 6.1.2).

**6.4.1.1 Initiation of a Removal.** Removals initiated by the Graduate Program Director or Department Chair, should be in the form of a memorandum from the Department Chair (or from the Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies if the faculty member is the

Department Chair) to the APT Committee Chair. A memorandum from the Graduate Dean shall be copied to the Department Chair. That memorandum shall outline the reason(s) for removal and any relevant supporting evidence.

**6.4.1.2 Calling of APT Committee Meeting.** At the same time as the memorandum is sent (or received in the case of the Department Chair), the Department Chair shall call a meeting of the APT Committee.

**6.4.1.3 Recommendation of the APT Committee.** The APT Committee shall meet in accordance with the procedures in OP 7.3 of *Academic Affairs Standard Operating Procedures* to consider the memorandum and any supporting evidence, and make a recommendation regarding the removal of the faculty member. The APT Committee Chair shall forward that recommendation and the original memorandum to the Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies.

**6.4.1.4 Graduate Dean Decision.** The Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies shall determine if removal of the faculty member is warranted or if some intermediate step (i.e. time to rectify an issue such as lapsed certification) might be implemented. The decision of the Associate Vice Provost and Dean of the Cratis D. Williams School of Graduate Studies is final, although the faculty member may grieve any conditions imposed or removal according to the provisions of OP 9.7 of *Academic Affairs Standard Operating Procedures).*

## OP 7. Appointment, Promotion, and Tenure (APT) Committee and Faculty Search Committee Processes

### OP 7.1 Membership of the APT Committee.

**7.1.1 Composition**. The APT Committee shall consist of all tenured faculty members in a Department or unit (hereafter "Department"). A Department may also include tenure-track faculty members and voting-eligible Special Faculty members, either all such faculty or a subset chosen through a process set out in the Department's foundational documents. The APT Committee shall include no fewer than four (4) tenured faculty members. If a Department has fewer, the dean, after consulting the Department's tenured faculty, shall appoint tenured faculty from related departments to bring the number to four.

**7.1.2 APT Committee Chair.** The APT Committee Chair shall be a tenured faculty member, elected in accordance with the Department's established procedures.

**7.1.2.1 Subset of APT Committee.** Members of the APT Committee may vote to use a subset of no fewer than four (4) faculty from the APT Committee to review and make recommendations regarding appointments of Special Faculty with contract periods of two years or less. The use of this subset, if authorized by APT Committee vote, shall be stated in the department's foundational documents and must also include the following (to be determined by the APT Committee Members):

1. the number of APT Committee members in this subset, half of whom are elected from APT eligible Special Faculty;
2. the procedures for and timing of the election of subset members, including whether APT Committee members shall elect the subset or if other voting-eligible (see OP 11.2) members of the department shall be allowed to vote for members of the subset;
3. the terms of the subset members or replacement of vacancies;
4. whether the recommendations of the APT Committee subset regarding subsequent appointments of Special Faculty with contracts of two years or less shall move directly to the Department Chair or shall require a vote of the full APT Committee prior to moving the recommendation forward to the Department Chair.
5. A process for members of the APT Committee discontinuing use of the subset.

**7.1.3 Committee operations.** All APT Committee members may vote on matters related to the operation of the committee, including the election of the APT Chair.

**7.1.4 Personnel actions for tenure-track and tenured faculty.** Only tenured faculty members may attend, deliberate, or vote in any meeting, subcommittee, or other proceeding concerning the reappointment, promotion, or tenure of tenure-track or tenured faculty. Votes on promotion shall be limited to tenured

faculty holding a rank equal to or higher than the rank sought.
**7.1.5 Personnel actions for Special Faculty.** Special Faculty members (or a subset) serving on the APT Committee shall attend, deliberate, and vote on the reappointment and promotion of Special Faculty. Tenured and tenure-track members (or a subset) may also vote on these actions. Votes on promotion shall be limited to members holding a rank or title equal to or higher than the one sought, as defined in the Department's foundational documents. Each such review shall include at least two Special Faculty members. If none are eligible, the APT Chair shall invite eligible Special Faculty from a related department.
**7.1.6 Confidentiality.** All members, and any observers permitted under 7.1.4, shall keep APT Committee personnel deliberations and votes confidential.

**OP 7.2 APT Committee Procedures**

**OP 7.2.1 Calling APT Committee Meetings.** The Department Chair or Unit Supervisor (hereafter "Department Chair) shall call and schedule all APT Committee meetings.

**OP 7.2.2 APT Committee Meeting Notification.** The Department Chair shall notify all members of an academic unit in writing about the meeting, and shall provide its agenda ten (10) calendar days prior to any meeting. The announcement shall clearly state the time and location (or means) of the meeting and that information shall become a part of the APT Committee's permanent records. The Department Chair shall also provide APT Committee members information regarding how to access all materials to be considered in that notice.

**OP 7.2.3 Location and Type of APT Committee Meeting.** All meetings of APT Committees shall be held at Appalachian State, via electronic access on a University approved platform, or shall combine the two options. If the meeting is conducted electronically (in whole or in part), the Department Chair (or the APT Committee Chair in cases where the Department Chair is under consideration) shall host the meeting. Any University employee participating in an APT Committee meeting electronically is responsible for securing a setting that maintains the confidentiality requirements of the APT Committee when personnel actions are being considered.

**OP 7.2.4 Electronic Recording of APT Committee Meetings.** Because of the confidentiality required for consideration of personnel matters, electronic recording of APT Committee meetings is not permitted.

**OP 7.2.5 Conduct of APT Committee Meetings**. All APT Committee meetings shall be conducted using procedures outlined in *Robert's Rules of Order,* as currently revised.

**OP 7.2.6 Keeping of APT Committee Meeting Minutes.** At each meeting, the APT Committee shall select from its voting membership a person to keep minutes (see also OP 7.3.18).

**OP 7.2.7 Confidentiality of APT Committee Meetings**. Confidentiality must be maintained for APT Committee personnel actions. Confidentiality means not sharing or discussing any of the following outside of the APT Committee: any materials submitted, reference or external reviewer comments, APT Committee discussions and deliberations, and APT Committee determinations and recommendations. Information gathered during any APT Committee personnel process may not be shared with others without written permission of the person being considered. No discussion of APT Committee members about a personnel matter shall take place outside the confines of an APT Committee meeting.

**OP 7.2.8 Storage of Candidate Materials by the APT Committee**. All candidate materials shall remain in a secure location in the department office (under the supervision of the Department Chair) and/or in a secure University electronic server file with access provided to all eligible APT members and all
subsequent reviewers.

**OP 7.2.9 Applicant Presence at APT Committee Meeting.** Any applicant being considered by the APT Committee may be present at the APT Committee meeting at which their candidacy will be considered for the sole purpose of presenting information and answering questions, but shall leave prior to any deliberation or vote.

**OP 7.2.10 Recusals from the APT Committee**. An APT Committee member who is an applicant, or who has a relationship with an applicant as described in the Professionalism in Personnel Decision policy (see OP 11.1), shall be recused from the deliberation and from the vote on their personnel action, but may rejoin the meeting for other personnel actions on the agenda.

**OP 7.2.11 APT Committee and Joint Appointments.** In the case of a joint faculty appointee, the Department Chair of the home Department shall make certain that any process necessary in any other Department regarding that faculty member's personnel action stipulated in the letter of appointment is undertaken according to the criteria for evaluation designated therein.

**OP 7.2.12 Participation of the Department Chair in APT Committee Meetings.** While the Department Chair shall be responsible for knowing and

sharing both information about procedural matters and relevant information requested by the committee, the Department Chair's role in the committee's deliberations and decision shall be minimal. In cases where the APT Committee is making personnel recommendations involving the Department Chair, the Department Chair shall not be present during the deliberation or voting.

**OP 7.2.13 Participation of APT Committee members while on leave**. The Department Chair shall contact, via Appalachian State email, any eligible committee members on leave to inquire about their intentions to participate in an upcoming APT Committee meeting/action. The Department Chair shall include the APT Committee Participation Form for the faculty member to complete to verify their decision to voluntarily participate in the APT Committee meeting/action. The completed form must be received by the Department Chair by the start of the APT Committee meeting in question in order for the faculty member to participate.

**OP 7.2.14 Anonymous Voting in the APT Committee.** APT Committee voting shall be carried out anonymously, either by secret ballot or by an electronic means that anonymizes respondents.

**OP 7.2.15 APT Committee Quorum**. To conduct business, a simple majority of members is required and that number shall include members who have provided the APT Committee Chair with valid absentee ballots. Members who are on approved leave and eligible to participate in APT Committee actions may choose to cast votes (including absentee ballots), but do not count toward the required quorum.

**OP 7.2.16 APT Committee Absentee Ballots.** Deliberation among APT Committee members is a crucial part of the faculty review of candidates and all reasonable efforts must be made to be present (in person or virtually) at meetings to deliberate on a candidate's case. Absentee ballots from APT Committee members not present at the meeting are permitted in extenuating circumstances as determined by the Department Chair, in consultation with the APT Committee Chair. Departments may create rules governing the casting of absentee ballots, but Departments shall not prohibit the casting of absentee ballots in a APT Committee vote. Departments shall not create rules governing absentee ballots that are less restrictive than those given below.

a. At a minimum, absentee ballots must be delivered to the APT Committee Chair or cast by the specified electronic means no later than 5:00 p.m. on the business day before the APT Committee meeting is to take place.
b. The absentee ballot must be delivered in a form (email, signed letter, hand-delivered ballot, early vote on a secured site) that provides

assurance that the ballot is genuine and is from a faculty member eligible to vote.

c. The APT Committee chair must be in possession of all absentee ballots at the beginning of the APT Committee meeting, and the APT Committee chair will announce the number of verified, relevant absentee ballots to be cast at the beginning of the deliberation on the personnel action

**OP 7.2.17 Vote Justification Forms for APT Committee Business.** In cases regarding consideration of reappointment, tenure, or promotion, each member of the APT Committee shall complete the Vote Justification Form (VJF) citing specific evidence of why the candidate does or does not meet criteria for another contract, tenure, or promotion in the areas of teaching, research, service, and participation in University affairs as per the department, college/school/library or University guidelines. The VJFs may be anonymous and shall be submitted within five calendar days of the APT Committee meeting at which the vote is taken. VJFs from APT Committee members who submitted absentee ballots shall be submitted by the same deadline.

**OP 7.2.18 Notification of APT Committee Votes**. Notification of the results of the APT Committee vote shall not take place until the meeting is over. The Department Chair (or the APT Committee Chair in cases where the Department Chair is the candidate under consideration) makes all notifications. The candidate shall be notified in writing of the results of the APT Committee vote within seven (7) calendar days following the date of the vote, except under extenuating circumstances. This notification, in the form of a memo, shall state on which date the vote took place, the recommended action, which was voted upon, and the vote count. Faculty members have the right to request copies of all VJFs from the Dean.

**OP 7.2.19 APT Committee Minutes**. The minutes of the APT Committee shall record:

1. all persons (including faculty for whom a personnel action is under consideration) in attendance at the APT Committee meeting and all members of the APT Committee absent from the particular meeting;
2. each personnel action considered. All motions shall be phrased in the affirmative. The record shall state that the committee formally considered personnel action of the particular faculty member and shall state the permissible criteria that were considered. This record shall not include individual comments. In instances of personnel actions involving promotion or tenure of a faculty member, the minutes shall confirm specifically that the criteria for promotion and/or tenure as set forth in the Faculty Handbook were considered along with any additional department criteria as published in the Department's foundational documents; and
3. the vote (the number of affirmative votes and the numbers of negative

votes) on each action, but not the votes of individual members of the committee.

**OP 7.2.20 Official Record of APT Committee Business.** All minutes of the APT Committee action shall be approved and, if necessary, modified by a majority of the assembled committee where a quorum is present. Such action shall normally take place at the next meeting of APT Committee, but may be gathered by electronic approval if the committee is not scheduled to meet again in a given academic year. All ballots and minutes shall be scanned and uploaded into a secure electronic file. Nothing in these guidelines shall violate the confidentiality of the APT Committee minutes, except that any individual faculty member shall have access to those portions of the minutes of meetings in which personnel actions involving that faculty member were considered.

**OP 7.2.21 Materials Forwarded from the APT Committee.** The APT Committee Chair shall make available the following materials to the Department Chair no later than five (5) calendar days from the vote:

1. A memo from the APT Committee Chair that includes the results of the APT Committee vote (including the number of affirmative votes, the number of negative votes);
2. the materials required of the candidate for that personnel action; and
3. the VJFs for the personnel decision.

In the event that the personnel action concerns the Department Chair, the APT Committee Chair shall forward all materials directly to the Dean and the Dean shall forward them to the Office of Academic Affairs. Only materials outlined in the *Academic Affairs Standard Operating Procedures [OP 3.1]* for a given personnel action shall be included.

**OP 7.2.22 Training.** All faculty in the APT Committee must receive training every three years at a minimum. The APT Chair must receive training every year. APT Committee members or APT Chair are required to be current in that training prior to the start of any committee meeting.

**OP 7.3 Faculty Searches**

**OP 7.3.1 Training.** All faculty who participate in faculty or Department Chair searches (e.g. committee member, attending presentations or meals, etc.) must receive training every three years at a minimum. Faculty Search Committee or Department Chair Search Committee members, including the chairs of these committees, are required to be current in that training prior to the start of any search.

**OP 7.3.2 Membership of Faculty Search Committees.** The composition of faculty search committees shall conform to the guidelines in the *Faculty Handbook* when possible. Any exceptions required to the composition of a faculty search committee should be approved by the Dean of the

College/School/Libraries.

## OP 7.4 Faculty Search Committees Procedures

**OP 7.4.1 Calling Faculty Search Committee Meetings.** The Faculty Search Committee Chair shall call and schedule all Faculty Search Committee meetings. Department Chairs (or Unit Supervisors, hereinafter "Department Chair") shall not attend these meetings.

**OP 7.4.2 Location and Type of Faculty Search Committee Meeting**. All Faculty Search Committee meetings shall be held at Appalachian State University, via electronic access on a University approved platform, or shall combine these two options. If the meeting is conducted electronically (in whole or in part), the Faculty Search Committee Chair shall host the meeting. Any Appalachian State University employee participating in a Faculty Search Committee meeting electronically is responsible for securing a setting that maintains the confidentiality requirements (see below).

**OP 7.4.3 Electronic Recording of Faculty Search Committee Meetings**. Because of the confidentiality required for consideration of personnel matters, electronic recording of Faculty Search Committee meetings is not permitted.

**OP 7.4.4 Conduct of Faculty Search Committee Meetings**. All Faculty Search Committee meetings shall be conducted using procedures outlined in *Robert's Rules of Order*, as currently revised.

**OP 7.4.5 Recusals from Faculty Search Committee Meetings.** A Faculty Search Committee member who has a relationship with an applicant as described in the Professionalism in Personnel Decision policy (see OP 11.1), shall indicate such at the earliest possible stage of consideration. The Faculty Search Committee Chair, in consultation with the Office of Human Resources, shall determine if recusal is required. Departments should consider including in their procedures for creating faculty search committees whether to include alternate(s) and make clear when and how those alternates will participate as members.

**OP 7.4.6 Keeping of Faculty Search Committee Meeting Minutes**. At each meeting, the Faculty Search Committee shall select someone from its membership to keep minutes (see also OP 7.5.12).

**OP 7.4.7 Confidentiality of Faculty Search Committee Meetings.** Confidentiality must be maintained for faculty searches. Confidentiality means not sharing or discussing any of the following outside of the Faculty Search

Committee: any materials submitted, reference or external reviewer comments, Faculty Search Committee deliberations, and Faculty Search Committee recommendations. The names and materials of applicants for the purposes of reference checks and Appalachian State presentations shall not be shared with individuals outside of the Faculty Search Committee without written permission of the applicant. No discussion of Faculty Search Committee members about a personnel matter shall take place outside the confines of a Faculty Search Committee meeting.

**OP 7.4.8 Storage of Faculty Search Candidate Materials.** All candidate materials shall remain in a secure location in the department office (under the supervision of the Department Chair) or in a secure University electronic server file with access provided by the Faculty Search Committee Chair. All Faculty Search Committee members shall have access to review these materials. With written permission of the candidate, some finalist materials (e.g. a candidate's curriculum vitae, letter of application, teaching and/or research philosophy, published articles) may be made available to other members of the department or allied faculty, via the search site maintained by the Office of Human Resources.

**OP 7.4.9 Solicitation of Feedback on Faculty Search Candidates.** If Faculty Search Committees plan to solicit feedback on candidates (e.g. presentations, interviews, sample classes, etc.), a policy in the department's foundational documents must indicate how feedback will be collected from faculty, staff, and students outside of the Faculty Search Committee. Any Department policies on feedback shall ensure that the department's mechanism is applied consistently for every candidate and that all feedback mechanisms shall be designed to provide a fair and equitable assessment of each applicant's skills, knowledge, and abilities to perform the functions of the job. Any policy shall specify that:

a. feedback shall be through paper and/or electronic forms;
b. all paper and/or electronic forms shall include an option for anonymous feedback;
c. all forms will be collected, collated, and provided by the Faculty Search Committee Chair to committee members prior to meetings where deliberations regarding the candidates will take place.

**OP 7.4.10 Deliberation of Faculty Search Committees.** Deliberation among Faculty Search Committee members is a crucial part of the faculty review of candidates being considered for hire. All members of the Faculty Search Committee are required to be present (in-person or virtually) for any deliberations on candidates (e.g. initial review of candidates, making an interview list, determining finalists, making recommendations for hire). The Faculty Search Committee Chair, in consultation with the Office of

Human Resources, shall determine if an absence of a search committee member due to extenuating circumstances requires a re-scheduling of the meeting. Departments should consider including in their procedures for creating faculty search committees whether to include alternate(s) and make clear when and how those alternates will participate as members.

**OP 7.4.11 Voting and Ballots in Faculty Search Committee Meetings.** Departments shall develop procedures in their foundational documents regarding how Faculty Search Committee ballots shall be cast, including whether those ballots shall be anonymous. If paper ballots are used, they shall be secured, scanned, and uploaded into a secure electronic file for the record.

**OP 7.4.12 Minutes of Faculty Search Committee Meetings.** The minutes of the Faculty Search Committee shall record:

a. all persons in attendance at the meeting and excused and unexcused members of the committee absent from the particular meeting;

b. any business under discussion;

c. any action considered. All motions shall be stated in the affirmative. The record shall state that the Faculty Search Committee formally considered a candidate and shall state the permissible criteria that were considered, but the record shall not include individual comments;

d. all votes (the number of affirmative votes and negative votes) on each action, but not the votes of individual members of the committee.

**OP 7.4.13 Official Record of All Faculty Search Committee Business.** All minutes of the Faculty Search Committee shall be approved and, if necessary, modified by a majority of the assembled committee. Such action will normally take place at the next meeting of the committee except that, following the last meeting of the committee in a given academic year, the recorder shall be responsible for gaining the approval of the minutes in writing from the members of the committee. A file of all minutes of the Faculty Search Committee shall be maintained with the Faculty Search Committee file (see *Appalachian State University Policy Manual* 601.8, Section 4.10). Nothing in these guidelines shall violate the confidentiality of the Faculty Search Committee minutes.

**OP 7.4.14 Materials Forwarded by the Faculty Search Committee.** The Faculty Search Committee Chair shall forward all recommendations within five (5) calendar days of the vote to the Department Chair. The recommendations shall be accompanied by all supporting materials and documents submitted to the Faculty Search Committee. The Department Chair shall make an independent recommendation and shall forward those

materials to the Dean. In all cases, no reviewing group or persons shall substitute their judgment for that of a Faculty Search Committee on matters relating to the professional qualifications of the individual involved, i.e., the individual's ability to fulfill adequately the professional requirements of the position (except as it relates to rank and tenure status, see OP 7.5.16).

**OP 7.4.15 Materials from the Faculty Search Committee to the Office of Human Resources**. The Faculty Search Committee Chair shall request all materials (i.e. copies of letters, interview notes, etc.) from members of the Faculty Search Committee and shall forward those materials to the Office of Human Resources as soon as the work of the Faculty Search Committee has concluded.

**OP 7.4.16 Faculty Search Committees Requiring APT Committee Consideration.** In cases where Faculty Search Committees make a recommendation to hire a candidate for a tenure-track open ranked position, the Department's APT Committee shall make the formal recommendation for the candidate's rank and/or tenure status (if this is a joint appointment, the home department of the faculty member must be determined in order for the home department's APT Committee to make that recommendation for the faculty member's rank and/or tenure). The Department Chair shall ensure the APT Committee Meeting is called in a timely manner and the Chair of the APT Committee shall follow all APT Committee procedures in considering the candidates' materials and forwarding its recommendation.

## OP 8. Protocols Regarding Department Chairs

**OP 8.1. The Role of Chair:** The Chair is a member of the Academic Affairs leadership team supporting the broad mission of the university serving in an administrative at-will appointment [FH 8.5]. Chairs report to their College/School/ Libraries dean and are hired by the Provost and Executive Vice Chancellor. Chairs are responsible for leading and managing their department and working closely with their faculty on matters of teaching, scholarship, and service, supporting student success, and offering direction and management over departmental resources. The Chair's duties are outlined in their contract upon hire/renewal.

### OP 8.2 Department Chair Searches

**OP 8.2.1 Functions of the Department Chair Search Committee.** The functions of Department Chair Search Committees include, but are not limited to: creating the position description in consultation with the dean, job posting, review rubrics, and recruiting plan; advertising the position; reviewing applications; conducting reference checks and initial interviews; making determinations regarding candidates chosen for on-campus or final interviews; conducting on-campus visits or final interviews; recommending a candidate or candidates; and documenting the search process. In creating the job posting, it should be noted that a Department Chair must be a tenured faculty member or be appointed with tenure, and that while the appointment as Department Chair is an at-will appointment, a Chair will typically serve for at least five years.

**OP 8.2.2 Composition of Department Chair Search Committees**. Departments shall establish in their foundational documents a standard method for creating Department Chair Search Committees and appointing a chair. These methods shall specifically address the following:

**OP 8.2.2.1 Size of the Department Chair Search Committee.** The size of the committee from among the voting-eligible (see OP 10.2) members of the department with the following restrictions:.

1. No matter how many faculty are on the committee, the ratio of tenured faculty to tenure-track or special faculty from the department shall be 2:1, whenever possible.
2. The committee shall also include a voting member (typically a Department Chair) of an allied department appointed by the Dean of the college/school. The Dean shall solicit recommendations from the faculty of the Department prior to appointing that voting member.
3. When the department consists of six or fewer tenured or tenure-track faculty members, all shall be invited to serve on the committee, except the current Department Chair.

**OP 8.2.2.2 Representation of Disciplines, Fields, Programs on the Department Chair Search Committee.** Departments with multiple

academic disciplines, fields or programs shall strive to have all areas fairly represented and be inclusive.

**OP 8.2.2.3 Representation of Graduate Faculty on the Department Chair Search Committee**. If the department offers a graduate degree or degrees, at least one committee member shall be a member of the Graduate Faculty.

**OP 8.2.3 Training of the Department Chair Search Committee.** See OP 7.4.

**OP 8.2.4 Chair of the Department Chair Search Committee.** Departments shall specify if the Department Chair Search Committee Chair shall be appointed, elected by the department's faculty, or elected by members of the Department Chair Search Committee and how that appointment or election shall be carried out. The Department Chair Search Committee shall be chaired by a faculty member with tenure.

**OP 8.2.5 Department Chair Search Committee Procedures**

**OP 8.2.5.1 Calling Meetings of the Department Chair Search Committee.** The Department Chair Search Committee Chair shall call and schedule all Department Chair Search Committee meetings. Department Chairs (or Unit Supervisors, hereinafter "Department Chair") shall not attend these meetings.

**OP 8.2.5.2 Location and Type of Department Chair Search Committee Meeting**. All Department Chair Search Committee meetings shall be held on campus, via electronic access on a University approved platform, or shall combine these two options. If the meeting is conducted electronically (in whole or in part), the Department Chair Search Committee Chair shall host the meeting. Any Appalachian State University employee participating in a Department Chair Search Committee meeting electronically is responsible for securing a setting that maintains the confidentiality requirements (see below).

**OP 8.2.5.3 Electronic Recording of Department Chair Search Committee Meetings**. Because of the confidentiality required for consideration of personnel matters, electronic recording of Department Chair Search Committee meetings is not permitted.

**OP 8.2.5.4 Conduct of Department Chair Search Committee Meetings**. All Department Chair Search Committee meetings shall be conducted using procedures outlined in *Robert's Rules of Order*, as currently revised.

**OP 8.2.5.5 Recusals from Department Chair Search Committee .** No member of a department contemplating applying for chair should be on the Department Chair Search Committee. A Department Chair Search Committee member who has a relationship with an applicant as described in the Professionalism in Personnel Decision policy (see OP 2.1), shall indicate such at the earliest possible stage of consideration. The Department Chair Search Committee Chair, in consultation with the Office of Human Resources, shall determine if recusal is required. Departments should consider including in their procedures for creating department chair search committees whether to include alternate(s) and make clear when and how those alternates will participate as members.

**OP 8.2.5.6 Keeping of Department Chair Search Committee Meeting Minutes**. At each meeting, the Department Chair Search Committee shall select someone from its membership to keep minutes (see also OP 8.4.5.12).

**OP 8.2.5.7 Confidentiality of Department Chair Search Committee Meetings.** Confidentiality must be maintained for department chair searches. Confidentiality means not sharing or discussing any of the following outside of the Department Chair Search Committee: any materials submitted, reference or external reviewer comments, Department Chair Search Committee deliberations, and Department Chair Search Committee recommendations. The names and materials of applicants for the purposes of reference checks and campus presentations shall not be shared with individuals outside of the Department Chair Search Committee without written permission of the applicant. No discussion of Department Chair Search Committee members about a personnel matter shall take place outside the confines of a Department Chair Search Committee meeting.

**OP 8.2.5.8 Storage of Department Chair Search Candidate Materials.** All candidate materials shall remain in a secure location or in a secure University electronic server file with access provided by the Department Chair Search Committee Chair. All Department Chair Search Committee members shall have access to review these materials. With written permission of the candidate, some finalist materials (e.g. a candidate's curriculum vitae, letter of application, teaching and/or research philosophy, published articles) may be made available to other members of the department or allied faculty, via the search site maintained by the Office of Human Resources.

**OP 8.2.5.9 Solicitation of Feedback on Department Chair Search Candidates.** If Department Chair Search Committees plan to solicit

feedback on candidates (e.g. presentations, interviews, sample classes, etc.), a policy in the department's foundational documents must indicate how feedback will be collected from faculty, staff, and students outside of the Department Chair Search Committee. Any Department policies on feedback shall ensure that the department's mechanism is applied consistently for every candidate and that all feedback mechanisms shall be designed to provide a fair and equitable assessment of each applicant's skills, knowledge, and abilities to perform the functions of the job. Any policy shall specify that:

1. feedback shall be through paper and/or electronic forms;
2. all paper and/or electronic forms shall include an option for anonymous feedback;
3. all forms will be collected, collated, and provided by the Department Chair Search Committee Chair to committee members prior to meetings where deliberations regarding the candidates will take place.

**OP 8.2.5.10 Deliberation of Department Chair Search Committee.** Deliberation among Department Chair Search Committee members is a crucial part of the faculty review of candidates being considered for hire. All members of the Department Chair Search Committee are required to be present (in-person or virtually) for any deliberations on candidates (e.g. initial review of candidates, making an interview list, determining finalists, making recommendations for hire). The Department Chair Search Committee Chair, in consultation with the Office of Human Resources, shall determine if an absence of a search committee member due to extenuating circumstances requires a re-scheduling of the meeting. Departments should consider including in their procedures for creating Department Chair Search Committees whether to include alternate(s) and make clear when and how those alternates will participate as members.

**OP 8.2.5.11 Voting and Ballots in Department Chair Searches.** Departments shall develop procedures in their foundational documents regarding how Department Chair Search Committee ballots shall be cast, including whether those ballots shall be anonymous. If paper ballots are used, they shall be secured, scanned, and uploaded into a secure electronic file for the record.

**OP 8.2.5.12 Department Chair Search Committee Minutes.** The minutes of the Department Chair Search Committee shall record:

1. all persons in attendance at the meeting and excused and unexcused members of the committee absent from the particular meeting;
2. any business under discussion;

3. any action considered. All motions shall be stated in the affirmative. The record shall state that the Department Chair Search Committee formally considered a candidate and shall state the permissible criteria that were considered, but the record shall not include individual comments;
4. all votes (the number of affirmative votes and negative votes) on each action, but not the votes of individual members of the committee.

**OP 8.2.5.13 Official Record of All Department Chair Search Committee Business.** All minutes of the Department Chair Search Committee shall be approved and, if necessary, modified by a majority of the assembled committee. Such action will normally take place at the next meeting of the committee except that, following the last meeting of the committee in a given academic year, the recorder shall be responsible for gaining the approval of the minutes in writing from the members of the committee. A file of all minutes of the Department Chair Search Committee shall be maintained with the Department Chair Search Committee file (see Appalachian State University Policy Manual 601.8, Section 4.10). Nothing in these guidelines shall violate the confidentiality of the Department Chair Search Committee minutes.

**OP 8.2.5.14 Materials Forwarded by the Department Chair Search Committee.** The Department Chair Search Committee Chair shall forward all recommendations within five (5) calendar days of the vote to the Dean. The recommendations shall be accompanied by all supporting materials and documents submitted to the Department Chair Search Committee.

**OP 8.2.5.15 Department Chair Searches and APT Consideration**. If necessary and prior to acting on any recommendations, the Dean shall notify the Chair of the APT Committee to convene a meeting for the consideration of the credentials of any external candidates with regard to rank and tenure. The Department Chair shall ensure the APT Meeting is called in a timely manner and the Chair of the APT shall follow all APT procedures in considering the candidates' materials and forwarding its recommendation.

**OP. 8.2.5.16 Department Chair Search Committee Materials to the Office of Human Resources**. The Department Chair Search Committee Chair shall request all materials (i.e. copies of letters, interview notes, etc.) from members of the Department Chair Search Committee and shall forward those materials to the Office Human Resources as soon as the work of the Department Chair Search Committee has concluded.

**OP 8.3 Periodic Reopening of the Department Chair Position.** If a Department Chair continues as Department Chair for five consecutive years (including service as acting or interim Department Chair), the position shall be opened by the Dean for nominations in September of the fifth year of that individual's service as Department Chair and every three years thereafter.

**OP 8.3.1 Process for Periodic Reopening of the Department Chair Position.** At the beginning of September in the final year of a Department Chair's term, the Dean shall inform the faculty and the Department Chair by email that the opening of the position is taking place. The Dean shall coordinate with the Chair of the APT Committee to call a meeting or meetings before the end of September that shall be open to all department faculty and staff, except the Department Chair, to discuss the future of the department and its leadership.

**OP 8.3.1.1 Department Faculty & Staff Feedback to the Dean on the Department Chair Position.** Departments shall, in their foundational documents, determine how to provide feedback to the Dean (e.g., formal vote, discussion, etc.) as to whether the current Department Chair should continue or if a search should be opened.The Department faculty may also forward a recommendation to the Dean as to whether any search should consider internal candidates only or be open to external candidates.

**OP 8.3.1.2 Communication of Faculty & Staff Feedback on the Department Chair Position.** The APT Committee Chair shall forward the department's feedback and any recommendations to the Dean of the College.

**OP 8.3.1.3 Communication of Administrative Feedback on the Department Chair Position.** The Dean shall share the feedback with the Department Chair. The Dean, in consultation with the Provost and Executive Vice Chancellor, shall determine how to proceed and shall communicate that decision back to the Department Chair privately and in an email to all the faculty of the Department no later than October 15.

**OP 8.4 Protocol for Meeting About Faculty Concerns Regarding Department Chair Performance.** A department's faculty (by a petition of more than 50% of the voting-eligible (see OP 11.2) faculty in a department), may call for a meeting between the Dean and the department's faculty members to discuss concerns pertaining to the Department Chair's performance. The "more than 50%" voting-eligible faculty requirement is not to be construed that the petitioning faculty members have decided one way or the other on the merits of the issues that might be discussed.

**OP 8.4.1 Dean's Responsibility to Schedule Meeting About Faculty Concerns Regarding Department Chair Performance.** It shall be the responsibility of the Dean to schedule that meeting with the Department's faculty, excluding the Department Chair, as soon as is practicable after receiving the request.

**OP 8.4.2 Administrative Communication About Faculty Concerns Regarding Department Chair Performance.** Within five (5) calendar days after this meeting, it shall be the Dean's responsibility to communicate the information from the meeting to the Department Chair. The Department Chair shall be given the opportunity to respond within five (5) calendar days to the Dean. If necessary, the Dean, in consultation with the Provost and Executive Vice Chancellor, shall determine if any action with regard to a Department Chair is warranted.

**OP 8.4.3 Communication to the Faculty Regarding Completion of Consideration of Faculty Concerns Regarding Department Chair Performance.** The Dean shall inform the faculty by email when the process as outlined above has been completed.

## OP 9. Faculty Employment Hearings

**OP 9.1 Overview of Faculty Hearings.** In accordance with the provisions outlined in Chapter VI of *The UNC Code*, a faculty member may contest an adverse employment decision (sections 603, 604, 605) or present a grievance about matters directly related to the terms and conditions of the faculty member's employment in accordance with the definition of a "Grievance" found at *The UNC Code*, *section 607; 101.3.1.3(R), IV. B*.

**OP 9.1.1 Non-Retaliation**. Faculty members have the right to use the adverse employment and grievance procedures free from threats or acts of retaliation, coercion, restraint, discrimination, or reprisal. This right includes requesting an adverse employment process or the hearing of a grievance as well as participating in a hearing or an appellate process. Similarly, faculty serving on the FAC (Faculty Assistance Committee) or on an FHC (Faculty Hearing Committee) Panel, or participating in any capacity, such as a witness, in a hearing have the right to be a part of such proceedings free from threats or acts of retaliation, coercion, restraint, discrimination, or reprisal. This same right shall extend to any other employee or any student of Appalachian State University.

**OP 9.2 Hearing and Assistance Committees**

**OP 9.2.1 Faculty Hearing Committee (FHC).** The FHC functions as the elected standing committee to hear cases in accordance with the hearing rights provided to faculty members in Chapter VI of *The UNC Code.* Each case shall be heard by an appropriately constituted panel seated from among the overall membership of the FHC.

**OP 9.2.1.1 Composition of the FHC.** The FHC shall be constituted of fifteen (15) members: five (5) members from each of the ranks of Professor and Associate Professor, three (3) from the rank of Assistant Professor, one (1) Special Faculty member and one (1) FHC Coordinating Chair. There shall be broad representation among colleges and schools, when possible.

**OP 9.2.1.2 Faculty Ineligible to serve on the FHC.** No faculty member holding an appointment as a "Senior Academic and Administrative Officer" (SAAO) (see *The UNC Policy Manual*, 300.1.1), or as a Department Chair shall be eligible to serve on the FHC. Special Faculty members whose continuous service to the University is less than three years are ineligible to serve on the FHC. No faculty member of the FHC may be on less than a one-year contract.

**OP 9.2.1.3 Election and Terms of the FHC.** The voting-eligible members of the General Faculty shall elect the thirteen (13) tenured and tenure-track faculty members to serve on the FHC. Members shall serve for a three-year staggered term. In the first Faculty Senate meeting of each academic year, the Faculty Senate shall elect the Special Faculty member to serve on the FHC for a one-year term. Members may serve an unlimited number of terms, but no more than two terms or a total of six years consecutively. Any mid-term or unexpired term vacancies shall be filled by a majority vote of the Faculty Senate.

**OP 9.2.1.4 Faculty Eligible to serve as the FHC Coordinating Chair.** To be eligible to serve as the FHC Coordinating Chair, the faculty member must be: (1) eligible to serve on the FHC; (2) a tenured faculty member at the rank of Professor; and (3) have at least three (3) years of prior experience serving on the FHC or the Faculty Assistance Committee (FAC). The same length of service on the Faculty Grievance Hearing Committee, the Due Process Committee, or Faculty Grievance Assistance Committee also qualifies as appropriate experience.

**OP 9.2.1.5 Election and Term of the FHC Coordinating Chair.** The Faculty Senate Committee on Committees shall solicit applications from the General Faculty for the role of the FHC Coordinating Chair every three (3) years and bring to the Faculty Senate the names of candidates who meet these criteria. The FHC Coordinating Chair shall be selected by a majority vote of the Faculty Senate. Any mid-term or unexpired term vacancies shall be filled by a majority vote of the Faculty Senate. The term of the FHC Coordinating Chair is three (3) years. There are no term limits on the position of FHC Coordinating Chair.

> **OP 9.2.1.5.1 Short-Term Replacement of the FHC Coordinating Chair.** In the event the FHC Coordinating Chair is unable to carry out the duties due to a short-term issue or conflict of interest with a case, the FHC Coordinating Chair shall ask the Faculty Senate Committee on Committees to appoint a qualified member of the Faculty Assistance Committee or the Faculty Hearing Committee to step into the role until the FHC Coordinating Chair's return (or until the conclusion of the hearing in the case of a conflict of interest). In the case of a conflict of interest in an individual case, if the Faculty Senate Committee on Committees cannot make a substitution within 24 hours of the request, the Faculty Senate Vice Chair may make the appointment. If the FHC Coordinating Chair is unable to make the request, the Senior Vice Provost shall request a replacement from the Faculty Senate Committee on Committees as soon as they are aware of the need for a replacement.

**OP 9.2.1.6 Duties of the FHC Coordinating Chair.** The FHC Coordinating Chair shall be responsible for: (a) collaborating with the Senior Vice Provost and Office of General Counsel to ensure all members of the FHC and FAC receive annual training; (b) seating and charging appropriately constituted hearing panels when necessary including the selection of the hearing panel chair; (c) facilitating any communications between the faculty member making the request for a hearing and the named respondent(s); (d) resolving any questions about process or procedure raised by participants, or FHC /FAC members before, during, or after hearings; (e) compiling a yearly report on the FHC and FAC activities for the Faculty Senate and with consultation of the Senior Vice Provost, including the information outlined in *OP 9.3.9*; and (f) collaborating with the Senior Vice Provost on procedure review.

**OP 9.2.1.7 FHC Training.** All members of the FHC shall complete annual training on the policies and regulations governing all types of faculty

employment issues and hearings, the procedures for faculty hearings, as well as training on evaluating evidence, the standards of evidence utilized in different cases, reporting findings and shaping recommendations, and other elements pertinent to their service. This training shall be organized by the Senior Vice Provost in consultation with the FHC Coordinating Chair and Office of General Counsel.

**OP 9.2.2 Faculty Assistance Committee (FAC)**. Members of the FAC shall provide information to faculty on available options for employment dispute resolution. FAC members may assist in the preparation of a request for any type of hearing or appeal, indicate the types of evidence that might support a claim, and describe the relevant procedures. FAC members may, if asked by a faculty member, agree to serve as observers in meetings with administrators and/or serve in the role of faculty advocate in a hearing where permitted. If FAC members decline these latter roles, they shall provide options for locating support from other qualified faculty members. The FAC shall not provide any interpretation of the contents the *Faculty Handbook, The Code, the UNC System Policy Manual,* or applicable state or federal law. If any questions regarding interpretation of policy shall arise the FAC will consult with the Senior Vice Provost for Faculty Policies and Development.

**OP 9.2.2.1 Composition of the FAC.** The FAC shall be constituted of five (5) members of the tenure-track and tenured faculty. At least three (3) shall be tenured faculty. There shall be broad representation among colleges and schools, when possible.

**OP 9.2.2.2 Faculty Eligible to serve on the FAC.** Only faculty with previous service on the FHC, except those holding an appointment as a "Senior Academic and Administrative Officer " (SAAO) (see *The UNC Policy Manual*, 300.1.1) or as a Department Chair, shall be eligible for service on the FAC.

**OP 9.2.2.3 Election of the FAC.** The Faculty Senate Committee on Committees shall solicit applications from the General Faculty for membership to the FAC and bring to the Faculty Senate the names of candidates who meet the criteria. All members of the FAC shall be elected by a majority vote of the Faculty Senate for three-year staggered terms. Members may serve two terms or a total of six years consecutively. Any mid-term or unexpired term vacancies shall be filled by a majority vote of the Faculty Senate.

**OP 9.2.2.4 FAC Training.** All members of the FAC shall complete annual training on the policies and regulations governing all types of faculty employment issues and hearings, the procedures for faculty hearings, as well as training on evaluating evidence, the standards of evidence utilized in different cases, reporting findings and shaping recommendations, and other elements pertinent to their service. This training shall be organized by the Senior Vice Provost, in consultation with the FHC Coordinating Chair and the Office of General Counsel.

**OP 9.3 General Procedures Faculty Hearings.** The following general procedures apply to 603, 604, 605 and 607 hearings. Specifics related to particular kinds of hearings shall be in the section on a given type of hearing.

**OP 9.3.1 Access to Policies and Processes.** The FHC Coordinating Chair shall provide the faculty member requesting a hearing with all policies and procedures relevant to the conduct of the type of hearing requested within five (5) calendar days of receiving such a request. The FHC Coordinating Chair shall also, when appointing a FHC panel and the FHC Panel Chair, provide these policies and procedures to the panel members and panel chair. The Senior Vice Provost shall ensure that the administration has access to these policies and procedures.

**OP 9.3.2 Scheduling.** Once a panel of the FHC is seated and charged in accord with the requirements by hearing type, the FHC Coordinating Chair shall: (a) inform all parties in the hearing of who is on the panel and (b) work with the FHC Panel Chair and the Senior Vice Provost, to schedule a hearing date that accords with the timeline for the type of case and takes into account, as much as is possible, the schedules of the parties and their advisors or counsel, panel members, witnesses and any required recorder/transcriptionists.

**OP 9.3.3 Objections to Panel Members.** If any party wishes to assert that a hearing panel member would be unable to accord with the standards for professionalism in personnel decision making (see OP10.1) and thus should not be part of the hearing procedures, that party must submit this assertion and the reason in writing to the FHC Coordinating Chair no later than three (3) calendar days after receiving notice of the panel membership. It shall be up to the FHC Coordinating Chair to determine whether to recuse the person(s) in question and how to reconstitute the panel. The FHC Coordinating Chair shall provide written notification of the decision to the person(s) filing the objection and provide a copy for the record. All other parties shall receive notice of any changes to the panel membership.

**OP 9.3.4 Submission of Documentary Materials and Witness Lists.** The faculty member requesting the hearing and any respondent(s) shall submit to the FHC Coordinating Chair all documentary evidence to be presented at the hearing as well as a list of any witnesses. The FHC Coordinating Chair shall set the date for this submission no less than ten (10) calendar days prior to the hearing and inform all parties of that date in writing at least ten (10) calendar days prior to the deadline.

**OP 9.3.4.1 Documentary Evidence**. All documentary evidence must be available complete and unedited in electronic format, with a clear numbering system and an index. Any party may use printed evidence or slides in the hearing, if necessary for presentation clarity.

**OP 9.3.4.1.1 Redacted Documents.** If necessary, documents may be redacted (e.g. because they might reveal confidential personnel information about someone other than the faculty member requesting the hearing), but all redactions should include a brief notation regarding the basis for a redaction.

**OP 9.3.4.1.2 Document Submission Support.** Any participant in a hearing shall receive, upon request to the FHC Coordinating Chair made at least five (5) calendar days prior to the due date, confidential staff support for compiling, scanning, or photocopying materials to be provided.

**OP 9.3.4.2 Witnesses.** All parties may include the testimony of relevant fact witnesses.

1. The witness list shall be electronic and included in the indexing of the documents.

2. Witnesses shall be called only to provide evidence directly related to the matter at hand and not otherwise available. Character witnesses and letters of reference shall not be permitted.

3. Witnesses cannot be compelled to appear but should also not be discouraged from appearing. Any person named on the list should have agreed to appear on the established date and there should be an indication of whether the appearance will be in person or virtual. Instructions for virtual witnesses are in OP 9.3.4.6.11. If there are questions about the appropriateness of a witness the FHC Coordinating Chair shall make a determination about whether a witness can be called.

**OP 9.3.4.3 Availability of Materials**. The FHC Coordinating Chair shall provide, via secure electronic transmission, all materials to both parties. The FHC Coordinating Chair shall store all submitted materials in a confidential secure electronic drive accessible solely, FHC panel members, and any paid recorder/transcriptionist, and the FHC Coordinating Chair. All materials shall be available to all parties and the Faculty Hearing Committee panel within 48 hours of the date established for submission (as in OP 9.3.4).

**OP 9.3.4.4 Confidentiality of Materials.** All hearing materials, including testimony, shall be considered part of the personnel file of the faculty
member requesting the hearing and are confidential. Access to such confidential materials is only allowable as provided by North Carolina law. All hearing panel members, the FHC Coordinating Chair, and the participating administrators are required to maintain confidentiality of all materials, deliberations, and reports. Violations of confidentiality may be subject to disciplinary action, in accordance with applicable University policy and North Carolina law.

**OP 9.3.4.5 Additional Materials and Witnesses.** If, there are extenuating circumstances after the exchange of information, and a party wants to add new documentary evidence or witnesses, that request should be made in writing to the FHC Coordinating Chair no less than five (5) calendar days before the hearing. If the FHC Coordinating Chair permits the addition(s), both sides shall be notified promptly. If in the course of a hearing, any party has documentary evidence or a witness that responds directly to an assertion made by the other side, the FHC panel Chair, in consultation with the FHC Coordinating Chair, may allow those additions to be made and shall indicate how that evidence shall be shared with both sides.

**OP 9.3.4.6 Conduct of the Hearing.** The FHC Panel Chair shall be charged with conducting the hearing according to these guidelines. If the FHC Panel Chair requires further information, the FHC Coordinating

Chair shall be consulted.

**OP 9.3.4.6.1 Decorum.** All hearing participants shall maintain a professional demeanor including muting phones or other electronic devices.

**OP 9.3.4.6.2 Representation.** Faculty are permitted to utilize advocates or attorneys to advise them in preparation for any type of hearing, however, the ability to use an advocate or attorney to represent the faculty member during the hearing or mediation process is delineated under the procedures for each type of case as provided below. The FHC Panel Chair shall ensure that all representatives for a party follow the processes and procedures of the hearing. Attorneys and advisors are not permitted to participate in the hearing, although a party may consult with her or his attorney or advisor during breaks in the hearing.

**OP 9.3.4.6.3 Requirements for Attendance.** The faculty member requesting the hearing and respondent(s), or their designees, shall be present for the duration of any hearing.

**OP 9.3.4.6.4 Absence of the faculty member requesting the hearing.** If the faculty member requesting the hearing fails to appear at the hearing, the hearing will not move forward and the FHC Panel Chair shall inform the FHC Coordinating Chair. The FHC Coordinating Chair shall inform the faculty member requesting the hearing that the matter is considered closed and no further recourse through the hearing process is available.

**OP 9.3.4.6.5 Absence of respondent(s).** If a respondent or a respondent's designee fails to appear at the hearing, the hearing shall continue. The FHC panel may consider the absence of the respondent or the respondent's designee in its consideration.

**OP 9.3.4.6.6 Absence of a FHC Panel member.** All members of the FHC Panel, including the alternate, shall attend the hearing and all other relevant meetings (e.g. deliberations, report writing, etc.). If a member must be absent, that member shall be removed from the panel and replaced by the alternate.

**OP 9.3.4.6.7 Order of Presentation.** The party with the burden of proof shall present first in every phase of a hearing.

**OP 9.3.4.6.8 Opening Statements.** All parties in a hearing shall be granted the opportunity to make an opening statement at the outset for the purposes of providing an overview of the case and a preview of the materials to be presented. This statement shall outline what that party intends to demonstrate. No opening statement shall exceed twenty (20) minutes unless the FHC Panel Chair agrees in advance and affords all parties the same amount of time.

**OP 9.3.4.6.9 Direct Testimony.** The faculty member requesting the hearing and any respondent(s) may choose to offer direct testimony. If choosing to do so, this choice should be indicated on the witness list submitted. Direct testimony does not have to be in response to questions from a representative. Direct testimony

serves to present evidence in support of the case. The FHC Panel Chair is responsible for ensuring direct testimony stays on course and speaks directly to the issue(s) under consideration. All direct testimony is subject to cross-examination by the opposing party.

**OP 9.3.4.6.10 Calling of Witnesses.** All FHC conducted hearings shall permit the calling of witnesses. No affidavits from witnesses who do not appear shall be submitted as evidence.

**OP 9.3.4.6.11 Virtual Testimony.** Witness testimony may be made using Zoom or a similar platform, providing that security of any confidential information shall be assured. Any witness appearing via Zoom or similar technology shall attest at the outset that the testimony is being given via a password protected network in a private space where no one else can hear the proceedings. The witness shall attest that no recording of any portion of the proceedings is being made. The FHC Panel Chair shall host any virtual meeting.

**OP 9.3.4.6.12 Questioning of Witnesses.** The party with the burden of proof shall call all of their witnesses first, and every witness called may be cross-examined by the opposing party. The opposing party witnesses shall follow, and every witness called may be cross-examined. During examination or cross-examination of any witness, witnesses shall be instructed only to answer the questions posed.

**OP 9.3.4.6.13 Witnesses and Confidentiality.** Witnesses may be called upon to share confidential personnel information and/or information regarding confidential proceedings (e.g., APT Committee meetings, search committee meetings, etc.) within the confines of the hearing if the information pertains directly to the case. Witnesses shall be permitted to share such information. This extension of confidentiality is only allowed within the confines of the hearing.

**OP 9.3.4.6.14 Questioning of Witnesses by the FHC panel.** During questioning or cross-examination of any witness, members of the FHC panel may ask for simple clarifications only. Members of the FHC panel are permitted to ask any relevant questions after both sides have completed questioning a witness.

**OP 9.3.4.6.15 Objections to Questions Posed to Witnesses.** During questioning or cross-examination of any witness, no
objections to questions shall be raised by either party. The FHC Panel Chair alone is empowered to disallow questions that do not directly apply to the matter being heard.

**OP 9.3.4.6.16 Closing Statements.** All hearings shall permit all parties the opportunity to make a closing statement for the purposes of providing a review of the case and how the materials provided establish the contentions of that party. This statement may be argumentative (i.e., it draws inferences or conclusions).

No new information may be introduced in closing arguments. The closing statement shall not exceed thirty (30) minutes unless the FHC Panel Chair agrees in advance and affords all parties the same amount of time.

**OP 9.3.5 Transcript or Audio Recording.** If a court reporter, paid by the University, is not present to create a transcript of a hearing, an audio recording of the hearing shall be made by the FHC Panel Chair. The FHC Coordinating Chair, in cooperation with the Senior Vice Provost shall assist with the appropriate technology for that recording and the production of a transcript.

**OP 9.3.6 Deliberations.** FHC panels shall deliberate following each hearing in accordance with the timeline and rules for the type of case before it as indicated in OP 9.4, 9.5, 9.6, or 9.7. The committee's deliberations, in whatever form(s) the committee determines to deliberate, must include all members and are confidential. The purpose of deliberation is to reach consensus on a final report.

**OP 9.3.7 FHC Panel Report.** The FHC Panel Report shall consist of its determinations regarding burden of proof, rationale, and recommendations. The report shall be made in accordance with the time frame and to the appropriate individuals as outlined in OP 9.4, 9.5, 9.6 or 9.7.

**OP 9.3.7.1 Determinations.** FHC panel determinations shall consist of simple statements (e.g., "The panel determined, by a vote of [X-Y], that the faculty member [established/did not establish] by [evidentiary standard relevant for the case] that "[determination] (as defined by section [X] of *The Code*.").

**OP 9.3.7.2 Rationale.** FHC panel rationales shall thoroughly explain the basis in the evidence on which each determination was reached.

**OP 9.3.7.3 Recommendations.** Recommendations shall set forward remedies and/or other instructions (e.g., how remedies are to be enacted, considerations for any future changes to policy on similar cases, etc.) pertinent to the disposition of the case.

**OP 9.3.8 Debriefings Post-Hearing.** At the conclusion of every hearing, the FHC panel shall meet with the FHC Coordinating Chair and the Senior Vice Provost, as well as any members of the FAC who had direct involvement in the case, to review the hearing process (not any facts or findings about the case) and to determine if any improvements in process might be made for the future.

Any suggested changes or variations in procedures or rules shall be forwarded to the appropriate committees or offices (e.g., Faculty Governance Committee of the Faculty Senate, Office of the Provost, etc.) for consideration.

**OP 9.3.9 Annual Report.** The FHC Coordinating Chair shall submit, no later than 30 June of each year, an Annual Report to the Faculty Senate with a copy to the Senior Vice Provost. This report shall include the following (without disclosing any identifiable material):

1. the number of contacts received by the FAC seeking support/guidance;
2. the number of requests/petitions for hearings without differentiation of type;
3. the number of hearings without differentiation of type;
4. recommendations for any changes in the processes or

guidance going forward.

The FHC Coordinating Chair and the Senior Vice Provost shall present to the Faculty Senate at a fall meeting of the Faculty Senate a review of the Annual Report and any related recommendations.

**9.3.10 Requesting Accommodations:** All hearing participants requesting a reasonable accommodation on the basis of a disability shall do so through the Office of Access & Opportunity: Equal Opportunity. It is recommended that requests be made at least two weeks in advance, when possible. The Office of Access & Opportunity will consult with the FHC Coordinating Chair if it is necessary to implement the accommodation.

## OP 9.4 DISCIPLINARY DISCHARGE , SUSPENSION, OR DEMOTION (Section 603)

**OP 9.4.1 Overview and Grounds for Disciplinary Discharge Suspension or Demotion.** A faculty member who is the beneficiary of institutional guarantees of academic tenure shall enjoy protection against unjust and arbitrary application of formal discharge, suspension, or demotion. The process of discharge or the imposition of formal discharge, suspension, or demotion must be fundamentally fair to the faculty member. In accordance with *The Code*, a faculty member serving a stated term shall be regarded as having tenure until the end of the specified term contract. During the period of such guarantees the faculty member may be discharged from employment, suspended without pay, or demoted in rank for the reasons provided in UNC Policy 101.3.1.1[R].

**OP 9.4.2 Procedures for the Imposition of Discharge, Suspension, or Demotion**. Formal discharge, suspension, or demotion may be imposed only in accordance with the procedures prescribed in this section. These procedures shall not apply to employment decisions covered by *Sections 604, 605 or 607 of The Code*, or any other lesser employment action that is not a formal discharge, suspension, or demotion.

**OP 9.4.2.1 Notice of Intent to Discharge, Suspend, or Demote.** The Provost and Executive Vice Chancellor shall send the faculty member a written notice of intention to discharge, suspend, or demote the faculty member. The letter must include: (i) the proposed date of discharge, suspension, or demotion; (ii) specific reasons for discharge, suspension, or demotion; (iii) the faculty member's right to request a disciplinary hearing; and (iv) the deadline and process for the faculty member to request a disciplinary hearing in writing. The notice shall be provided in such a manner that provides proof of delivery (i.e. university email or certified mail).

**OP 9.4.2.2 Administrative Leave with Pay.** At any point during these procedures, the Chancellor or the Provost and Executive Vice Chancellor shall have the discretion to either reassign the faculty member to other duties or to place the faculty member on administrative leave with pay. Reassignment or placement of a faculty member on administrative leave with pay is not a disciplinary action and is not grievable. *[The UNC Code*

*603; The UNC Policy Manual 101.3.1.1[R]]*

**OP 9.4.2.3 Request for a Disciplinary Hearing**. Within fourteen (14) calendar days of receiving the notice of intent to impose formal discharge, suspension or demotion, the faculty member may request a disciplinary hearing by submitting **this form** to the FHC Coordinating Chair. If the faculty member fails to make a written request within the fourteen (14)

days, the formal discharge, suspension, or demotion shall be final and without recourse to any institutional grievance or appellate procedure. In computing any period of time, the day in which notice is received is not counted but the last day of the period being computed is to be counted.

**OP 9.4.3 The Disciplinary Hearing.** The hearing shall be on the written specification of the reasons for the discharge, suspension, or demotion of the faculty member and shall follow the General Procedures for Faculty Hearings (see OP 9.3) as well as any provisions specific to this section.

**OP 9.4.3.1 FHC Hearing Panel for a Disciplinary Hearing.** If the faculty member makes a timely request for the Disciplinary Hearing, the FHC Coordinating Chair shall seat a panel of five (5) members and one alternate from the FHC, all of whom have permanent tenure**.**

**OP 9.4.3.2 FHC Hearing Panel Chair for a Disciplinary Hearing.** The FHC Coordinating Chair shall also designate a Chair of the FHC Panel. Because hearing panels may present complex and difficult questions of fact, policy, and law, and because of the central role of the hearing pane in gathering and preserving the evidence upon which determinations and recommendations related to the matter shall be based, the FHC Coordinating Chair shall appoint a FHC Panel Chair at the rank of Professor.

**OP 9.4.3.3 Purpose of a Disciplinary Hearing and Burden of Proof.** The primary role of the FHC panel in a disciplinary hearing committee is to provide the opportunity for the faculty member and the Provost and Executive Vice Chancellor (or designee(s)) to present relevant evidence. The hearing shall follow the General Procedures for Faculty Hearings (see OP 9.3) as well as any provisions specific to this section. The disciplinary hearing committee shall create a complete written record of the evidence presented at the hearing and make a recommendation to the Chancellor regarding whether or not the University met the burden of proof to show there was a permissible basis for the discharge, suspension or demotion.

**OP 9.4.3.4 Timing of a Disciplinary Hearing**. The hearing committee shall accord the faculty member at least thirty (30) calendar days from the time it receives the faculty member's written request for a disciplinary hearing to schedule the hearing. The hearing committee may, upon the faculty member's written request and for good cause, provide additional time for preparation, however the committee may not extend the 14-day timeframe to request a disciplinary hearing. The disciplinary hearing committee will ordinarily endeavor to complete the disciplinary hearing within ninety (90) calendar days except under unusual circumstances such as when a disciplinary hearing request is received during official university breaks and holidays and despite reasonable efforts the disciplinary hearing committee cannot be assembled. It is strongly recommended that several days and times be established for the hearing when scheduling the first day, for the eventuality that the hearing may take two or more sessions.

**OP 9.4.3.5 Closed Hearing**. The disciplinary hearing shall be closed to

the public.

**OP 9.4.3.6 Counsel or Advocate.** The faculty member requesting the hearing shall be permitted the opportunity to have counsel who is able to represent the faculty member's interests before the disciplinary hearing committee if the faculty member so chooses. If an attorney will be representing the faculty member during the hearing, then the campus should provide legal counsel for the institution. Legal counsel for the institution may be provided by in-house campus counsel, counsel from another constituent institution, a member of the Attorney General's Office, counsel from the System Office, or outside counsel, if permitted. If the faculty member requesting the hearing does not use counsel, the faculty member or an advocate may represent the faculty member's interests before the hearing committee and the Provost and Executive Vice Chancellor or designee (not counsel) may represent the university. Attorneys and advisors are not permitted to participate in the hearing, although a party may consult with her or his attorney or advisor during breaks in the hearing.

**OP 9.4.3.7 Written Transcript.** A professional court reporter, or a similarly reliable means, should be used to enable the production of a verbatim written transcript of the disciplinary hearing and to maintain a record of the documents received by the disciplinary hearing committee. The University shall cover the cost of the court reporter. If a faculty member requests a copy of the written transcript, a copy shall be provided to the faculty member at the University's expense. If the faculty member requests an official transcript directly from the court reporter, the faculty member shall pay the court reporter directly for the official transcript.

**OP 9.4.3.8 Burden of Proof.** The University shall show by a standard of clear and convincing evidence that there is a permissible basis for the intended discharge, suspension or demotion in accordance with *Section 603(1) of The Code* (i.e., incompetence, neglect of duty, or misconduct).

**OP 9.4.3.9 FHC Recommendations.** The FHC Panel shall forward its written report to the FHC Coordinating Chair, who shall forward the report to the faculty member subject to the 603 disciplinary hearing and the Senior Vice Provost, who shall forward the report to the Chancellor within fourteen (14) calendar days after its hearing concludes or after the full transcript is received, whichever is later. In developing its report, the FHC panel shall consider only the evidence presented at the disciplinary hearing and such written or oral arguments as the committee, in its discretion, may allow. This recommendation shall be based on a finding as to whether the University met its burden of proof to show that there is a permissible basis for the formal discharge, suspension, or demotion.

**OP 9.4.3.10 The Chancellor's Decision.** Following receipt of the hearing committee's written recommendations, the decision whether to discharge, suspend, or demote the faculty member is the Chancellor's. The decision shall be effective as of the date of the Chancellor notifies the faculty

member of the final decision and the institution's obligation to continue paying the faculty member's salary shall cease upon issuance of the chancellor's decision.

**OP 9.4.3.11 The Chancellor's Notice.** The Chancellor shall notify the faculty member, the Provost and Executive Vice Chancellor and relevant administrators of the Chancellor's decision in writing as soon as practicable. If the Chancellor decides to discharge, suspend or demote the faculty member, the Chancellor's letter must inform the faculty member of the following: (a) the permissible grounds for appeal pursuant to *Section 603 of The Code*; (b) that the faculty member has fourteen (14) calendar days to request an appeal through the Chancellor's Office to the Chair of the Board of Trustees in accordance with *Section 603(2)(g) of The Code*; and (c) that any written request for appeal must include a brief statement of the basis for the appeal (i.e. process was materially flawed, result reached by Chancellor was clearly erroneous, or the decision was contrary to controlling law or policy).

**OP 9.4.3.12 Consideration of the Request for Appeal.** The Board of Trustees shall first review any request for an appeal to determine whether the issues raised by the faculty member fall within one of the three grounds for appeal. If the request for appeal does not present issues that fall within the established grounds for appeal, the Board of Trustees may dismiss the appeal without further proceedings.

**OP 9.4.3.13 Deference Given to Chancellor's Decision.** The Board of Trustees shall consider the appeal based on the record of the hearing and subject to the policies, regulations or guidelines adopted by the Board of Trustees, President of the UNC System, or the Board of Governors. Consistent with *The Code*, deference shall be given to the Chancellor's decision. *Section 101.3.1.1.R III B.*

**OP 9.4.3.14 Board of Trustees Decision.** The appeal to the Board of Trustees shall be decided by the full Board of Trustees. However, the Board may delegate the duty of conducting an initial review to a standing or ad hoc committee of at least three members. After review on appeal, the Board may affirm the Chancellor's decision; or if the Board finds that the procedures or decision had material procedural errors, was clearly erroneous or was contrary to controlling law or policy, such that but for the errors, the outcome would have been different, the Board may, in its sole discretion, remand the matter to provide for a new hearing or supplemental review inquiry. The Board of Trustees decision shall be made as soon as reasonably possible after their receipt of the request for an appeal. This decision shall conclude the University's appeal process.

## OP 9.5 Non-Reappointment, Denial of Tenure, and Denial of Promotion (Section 604)

**OP 9.5.1 Impermissible Reasons for Non-Reappointment, Denial of Tenure, and Denial of Promotion.** A decision not to reappoint, to deny tenure, or to deny

promotion shall not be based upon (1) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution; (2) the faculty member's membership in a group protected from discrimination under state or federal law; (3) other violation of state or federal law; or (4) other violation of applicable University policies for reappointment, promotion, and tenure.

**OP 9.5.2 Timeline for Filing a Request for a Review of a Non Reappointment, Denial of Tenure, and Denial of Promotion Decision.** The faculty member has thirty (30) calendar days from receipt of the Provost's Decision to request a review of the decision to not reappoint, deny tenure and/or promotion on the ground that the decision was based on an Impermissible Basis. If the faculty member does not request a review within the thirty days, the decision shall be final without recourse to any further review or appeal.

**OP 9.5.2.1 Review Request Form**. All requests for a review of a non reappointment, denial of tenure, or denial of promotion decision must be made on **this form** and submitted to the FHC Coordinating Chair with a copy to the Provost and Executive Vice Chancellor. The FHC Coordinating Chair shall notify any respondent(s) within five (5) calendar days of the receipt of the request.

**OP 9.5.3 Procedures for Review of a Non-Reappointment, Denial of Promotion, or Denial of Tenure Decision.** The hearing shall follow the General Procedures for Faculty Hearings (see *OP 9.3*) as well as any provisions specific to this section.

**OP 9.5.3.1 FHC Hearing Panel for a Non-Reappointment, Denial of Tenure, or Denial of Promotion Review**. If a faculty member makes a timely request for a review, the FHC Coordinating Chair shall seat a panel consisting of three (3) members and one alternate from the FHC. All members shall have permanent tenure.

**OP 9.5.3.2 FHC Hearing Panel Chair.** The FHC Coordinating Chair shall also designate a Chair of the FHC Panel. Because hearing panels may present complex and difficult questions of fact, policy, and law, and because of the central role of the hearing panel in gathering and preserving the evidence upon which determinations and recommendations related to the matter shall be based, the FHC Coordinating Chair shall appoint a FHC Panel Chair at the rank of Professor, when possible.

**OP 9.5.3.3 Purpose of the Review of a Non-Reappointment, Denial of Tenure, or Denial of Promotion Decision.** The review hearing provides the opportunity for both parties to present relevant evidence and the FHC Panel to provide a recommendation to the Chancellor regarding whether or not the faculty member has met their burden of proof to show that the decision was based on an Impermissible Basis. The FHC Panel must also create a complete record of the evidence received.

**OP 9.5.3.4 Timing of the Review Hearing**. The FHC panel shall endeavor to schedule the review within thirty (30) days of receiving the request and to complete the review within ninety (90) calendar days, except under unusual circumstances (e.g., when a request is received

during official university breaks and holidays or, despite reasonable efforts, the FHC panel cannot be assembled).

**OP 9.5.3.5 Burden of Proof.** The faculty member must demonstrate, by a preponderance of the evidence, that the decision was made based on an Impermissible Basis.

**OP 9.5.3.6 Right to Counsel.** Faculty members shall be allowed to have an advisor or attorney present as an observer at the hearing; however, the faculty member shall not have the right to be represented by an advisor or attorney. If the faculty member elects to have an advisor or attorney present as an observer, the respondent may also have an advisor or attorney present as an observer. Attorneys and advisors are not permitted to participate in the hearing, although a party may consult with her or his attorney or advisor during breaks in the hearing.

**OP 9.5.3.7 Written Record.** It is essential that all testimony and other evidence received by a FHC panel be preserved for review by the parties to the proceeding (i.e. the Chancellor, and, if applicable, the Board of Trustees). In these hearings, the University shall employ a professional court reporter, or a similarly reliable means to enable the production of a verbatim written transcript of the hearing and to maintain a record of the documents received by the FHC panel.

**OP 9.5.3.8 Location of the Written Record**. The written record of the hearing shall be considered part of the faculty member's personnel file and is confidential. Access to such materials is only allowable as provided by North Carolina law.

**OP 9.5.3.9 Copy of the Transcript to the Faculty Member**. If a faculty member requests a copy of the written transcript, one shall be provided to the faculty member at the University's expense. If the faculty member requests an official transcript directly from the court reporter, the faculty member shall pay the court reporter directly for the official transcript.

**OP 9.5.3.10 FHC Report.** The FHC panel shall forward its written report to the FHC Coordinating Chair, who shall forward the report to the faculty member who requested the 604 hearing and the Senior Vice Provost, who shall forward the report to the Chancellor (formulated and distributed as indicated in OP 9.3.7) within fourteen (14) calendar days after its hearing concludes or after the full transcript is received, whichever is later. In developing its report, the committee shall consider only the evidence presented by the parties, including the written record of the decision at the hearing and such written or oral arguments as the committee, in its discretion, may allow.

**OP 9.5.3.11 The Chancellor's Decision**. Following receipt of the FHC panel's written report, the Chancellor must make a decision based on a thorough review of: (1) the record of evidence from the hearing, and (2) the recommendation of the faculty committee. While the Chancellor should give appropriate deference to the advice of the faculty committee, the final decision is the Chancellor's.

**OP 9.5.3.12 The Chancellor's Notice.** The Chancellor shall notify the faculty member and the respondent(s) of their decision in writing by a

method which produces adequate evidence of delivery (i.e. university email or certified mail) as soon as practical. In the event of a decision against the faculty member requesting the hearing, the Chancellor's notice of the decision must inform the faculty member: (1) of the permissible grounds for appeal pursuant to Section 604 of *The Code*; (2) that the faculty member has fourteen (14) calendar days to request an appeal through the Chancellor's Office to the Chair of the Board of Trustees in accordance with *Section 604(C)(2) of The Code*; and (3) that any written request for appeal must include a brief statement of the basis for the appeal (i.e. process was materially flawed, result reached by Chancellor was clearly erroneous, or the decision was contrary to controlling law or policy).

**OP 9.5.3.13. Consideration of the Request for Appeal.** The Board of Trustees shall first review any request for an appeal to determine whether the issues raised by the faculty member fall within one of the three grounds for appeal. If the request for appeal does not present issues that fall within the established grounds for appeal, the Board of Trustees may dismiss the appeal without further proceedings.

**OP 9.5.3.14 Deference Given to Chancellor's Decision.** The Board of Trustees shall consider the appeal based on the record of the hearing and subject to the policies, regulations or guidelines adopted by the Board of Trustees, President of the UNC System, or the Board of Governors. Consistent with *The Code*, deference shall be given to the Chancellor's decision. *Section 101.3.1.1.R III B.*

**OP 9.5.3.15 Board of Trustees Decision.** After review on appeal, the Board of Trustees may affirm the Chancellor's decision; or if the Board finds that the campus-based process or decision had material procedural errors, was clearly erroneous, or was contrary to controlling law or policy, the Board may remand the matter to the Chancellor to provide for a new hearing or a supplement review inquiry. The remedy available on appeal is never an award by the Board of Trustees of the conferral of tenure, reappointment, a new contract, or promotion.

## OP 9.6 Separation Due to Financial Exigency or Program Curtailment (Section 605) 9.6.1 Termination of Faculty Employment for Financial Exigency or Major Curtailment or Elimination of a Program.

The employment of a faculty member with permanent tenure or of a faculty member appointed to a fixed term may be terminated by Appalachian State University because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a teaching, research, or public service program. Below are the procedures applicable to this type of separation.

**9.6.1.1 Determination of Financial Exigency.** Financial exigency is defined as a significant decline in the financial resources of the institution

that is brought about by the decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the Chancellor, after consulting with the academic administrative officers and faculty.

**9.6.1.2 Consultation with Faculty and Administrative Officers**. When it appears that that the University will experiences a financial exigency or needs to seriously consider a major curtailment or elimination of a teaching, research, or public-service program, the Chancellor or their designee shall first seek the advice and recommendations of the faculty and the administrative officers of the department(s) or other units that might be affected.

**9.6.1.3 Approval of Financial Exigency Determination.** The determination of financial exigency is subject to concurrence by the UNC System President and then approval by the Board of Governors. If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with this section.

**OP 9.6.2 Procedures for Termination Due to Financial Exigency or Program Curtailment.**

**OP 9.6.2.1 Consideration of Whose Employment will be Terminated.** In determining which faculty member(s) employment will be terminated, the Chancellor shall consider tenure status, years of service to the University, and other factors deemed relevant. However, the primary consideration shall be the maintenance of sound and balanced educational program that is consistent with the functions and responsibilities of the University.

**OP 9.6.2.2 Timely Notice of Termination Due to Major Curtailment or Elimination of a Program.** When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not due to financial exigency, the faculty member shall be given timely notice:

1. one who has permanent tenure shall be given not less than twelve (12) months' notice;
2. one who was appointed to a probationary or specified term and does not have permanent tenure shall be given notice as follows:
    1. During the first year of service to the University, the faculty member shall be given not less than sixty (60) calendar days' written notice before the employment contract expires;
    2. During the second year of continuous service to the University, the faculty member shall be given not less than ninety (90) calendar days' written notice before the employment contract expires;

3. After two or more years of continuous service to the University, the faculty member shall be given not less than twelve (12) months' written notice before the employment contract expires.

**OP 9.6.2.3 Notice of Termination Due to Financial Exigency.** When a faculty member's employment is to be terminated because of financial exigency, the University will make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as in provided in OP 9.6.2.2.

**OP 9.6.2.4 Content of Notice.** The Chancellor or the Chancellor's designee shall send the faculty member whose employment is to be terminated notice of this fact in writing. This notice shall be sent in such a manner that provides adequate proof of delivery (i.e., university email or certified mail). This notice shall include:

1. a statement of the conditions requiring termination of the faculty member's employment;
2. a general description of the procedures followed in making the decision;
3. a disclosure of pertinent financial or other data upon which the decision was based;
4. a statement of the faculty member's right, upon request, to a reconsideration procedure;

**OP 9.6.2.5 Requesting a Reconsideration Hearing.** Within fourteen (14) calendar days after receiving written notice of termination due to financial exigency or major curtailment or elimination of a teaching, research, or public service program, the faculty member may make a written request for a reconsideration hearing if they allege the decision to terminate was arbitrary or capricious to the FHC Coordinating Chair by using **this form**. If the faculty member does not request a reconsideration hearing within fourteen (14) calendar days of receiving the written notice of termination due to financial exigency or major curtailment or elimination of a teaching, research, or public service program, the faculty member may be terminated on the date specified in the notice and the faculty member shall have no other right to a grievance or appeal.

**OP 9.6.3 Procedures for a 605 Reconsideration Hearing.**

**OP 9.6.3.1 FHC Hearing Panel for a Reconsideration.** If a request is received in a timely fashion, the FHC Coordinating Chair shall seat a Reconsideration Hearing panel of three (3) members and one alternate from the FHC, at least two of whom have permanent tenure.

**OP 9.6.3.2 Chair of the FHC Hearing Panel**. The FHC Coordinating Chair shall also designate a Chair of the FHC Panel. Because hearing panels may present complex and difficult questions of fact, policy, and law, and because of the central role of the hearing panel in gathering and preserving the evidence upon which determinations and recommendations related to the matter shall be based, the FHC Coordinating Chair shall appoint a FHC Panel Chair with tenure.

**OP 9.6.3.3 Purpose of a Reconsideration Hearing.** A reconsideration procedure shall be provided that affords the faculty member whose employment is to be terminated a fair hearing on the termination if the faculty member alleges that the decision to terminate was arbitrary or capricious, that is, if the decision has no reasonable basis or is without reasonable grounds or adequate consideration of the circumstances.

**OP 9.6.3.4 Timing of a Reconsideration Hearing.** The FHC Coordinating Chair shall ensure that the reconsideration hearing happens within thirty (30) days of the receipt of the request except under extenuating circumstances (e.g., when a reconsideration request is received during official university breaks and holidays or, despite reasonable efforts, the FHC panel cannot be assembled).

**OP 9.6.3.6 Written Record.** The FHC creates a clear, permanent record of the evidence presented. It is essential that all testimony and other evidence received by a faculty committee be preserved for review by the parties to the proceeding, the Chancellor, and, if applicable, the Board of Trustees. A reliable means, should be used to enable the production of a verbatim written transcript of the reconsideration hearing and properly to maintain a record of the documents received by the FHC panel.

**OP 9.6.3.7 Location of the Written Record.** Any such record shall be considered part of the faculty member's personnel file and is confidential. Access to such materials is only allowable as provided by North Carolina law.

**OP 9.6.3.8 Copy of the Written Record to the Faculty Member.** A copy of the written transcript shall be provided, at the University's expense, to the faculty member upon written request to the FHC Coordinating Chair.

**OP 9.6.3.9 FHC Report.** The FHC panel shall forward its written report (formulated and distributed as indicated OP 9.3.7 of *Academic Affairs Standard Operating Procedures*) to the FHC Coordinating Chair, who shall forward the report to the faculty member who requested the reconsideration hearing and the Senior Vice Provost, who shall forward the report to the Chancellor within fourteen (14) calendar days after its hearing concludes or after the full transcript is received, whichever is later. In developing its report, the committee shall consider only the evidence presented by the parties, including the written record of the decision at the hearing and such written or oral arguments as the committee, in its discretion, may allow.

**OP 9.6.3.10 Burden of Proof.** The faculty member must demonstrate by a preponderance of the evidence that the decision to terminate was arbitrary or capricious, that is, if the decision has no reasonable basis or is without reasonable grounds or adequate consideration of the circumstances.

**OP 9.6.3.11 The Chancellor's Decision.** Following receipt of the FHC panel's written report, the Chancellor must make a decision based on a thorough review of: (1) the record of evidence from the hearing, and (2) the recommendation of the faculty committee. While the Chancellor should give appropriate deference to the advice of the faculty

committee, the final decision is the Chancellor's.

**OP 9.6.3.12 The Chancellor's Notice.** The Chancellor shall notify the faculty member and relevant administrators of their decision in writing within thirty (30) calendar days. Notification to the faculty member should be conveyed via a method that produces adequate evidence of delivery.

**OP 9.6.3.13 Appeal to the Board of Trustees.** If the Chancellor's decision is to continue with termination of employment, the faculty member may appeal the reconsideration decision to the Board of Trustees within fourteen (14) calendar days of receipt of the Chancellor's Decision.

**OP 9.6.4 Institutional Assistance to Faculty Following Termination**. When requested in writing by an employee whose employment has been terminated, the University shall give the employee reasonable assistance (such as letters of reference) in finding other employment. Chapter VI, The UNC Code, Section 605.

**OP 9.6.5 First Right of Refusal of New Positions.** For a period of two years after the effective date of termination of a contract of a faculty member for any of the reasons specified in this section, the University shall not replace the faculty member without first offering the position to the person whose employment was terminated. Any offer to a former faculty member pursuant to this section shall be in such a manner that provides proof of delivery. The faculty member shall be given thirty (30) calendar days after receiving the offer to accept or reject it.

**OP 9.7 Faculty Grievance Process (Section 607)**

**OP 9.7.1 Purpose of the Grievance Process.** Section 607 of *The Code* provides a process for faculty members to seek redress concerning employment related decisions made by an administrator in a supervisory role over the faculty member which directly relate to a faculty member's terms and conditions of employment.

**OP 9.7.2 Overview of the Faculty Grievance Process.** Faculty may grieve matters directly related to the terms and conditions of the faculty member's employment, including a non-disciplinary separation as defined in Section 602 (6)(d) of *The Code*. The 607 grievance process is available to ***actively*** employed members of an institution. A faculty member whose employment ends during the pendency of a grievance proceeding is not entitled to continue the grievance.

**OP 9.7.3 Definition of Grievances**. "Grievances" within the province of the grievance committee's power shall include matters directly related to a faculty member's terms and conditions of employment. Grievances must be based upon a decision made by an administrator in a supervisory role over the faculty member. The grievance must allege that the decision was in violation of federal or state law, or UNC Policy or Regulation, or constituent institution policy or regulation and that the faculty member was negatively affected by such decision. However, the grievance committee may not consider a matter that is subject to Section 603, Section 604, or Section 605 of The Code, or a matter that is not grievable as defined in UNC Policy 101.3.2[R]. *Section 101.3.1.1.R III B. See Chapter VI, Section 607, 3.*

**OP 9.7.4 Procedures for the Grievance Process.**

**OP 9.7.4.1 Initiating the Grievance Process.** If any faculty member has a grievance as defined in this section, the faculty member may submit the "petition for a faculty grievance hearing" within 45 days of the grievable event to the FHC Coordinating Chair for redress using **this form**. The faculty member must allege facts that, if true, constitute the basis for a grievance.

**OP 9.7.4.1.1 Mediation.** *See Mediation OP 9.8 for the University's Mediation Procedure.* Mediation is required as a first step for Faculty Success Plan issues before initiating a formal grievance process. Faculty members shall attempt mediation before proceeding. When initiating a grievance, the faculty member must indicate whether mediation has been attempted and provide relevant documentation. If mediation was not successful, the grievance process may proceed.

While mediation is not required to initiate a grievance process related to other issues, it is strongly encouraged as an option. Initiating a grievance process will require indicating whether mediation has been attempted or if the faculty member initiating the grievance is willing to attempt mediation.

**OP 9.7.4.2 FHC Panel.** If a faculty member initiates the grievance process, the FHC Coordinating Chair shall seat a panel of three (3) faculty members and one (1) alternate; at least one (1) faculty member shall have permanent tenure and at least one (1) faculty member shall be at the rank (or closest equivalent) of the faculty member making the request.

**OP 9.7.4.3 Chair of the FHC Panel.** The FHC Coordinating Chair shall also designate a Chair of the FHC Panel. The Chair of the FHC Panel shall have permanent tenure.

**OP 9.7.4.4 FHC Panel Consideration and Outcome.** The FHC Panel shall convene within fourteen (14) calendar days to consider the grievance.

1. If the faculty member has alleged facts that, if true, constitute the basis for a grievance, the FHC Panel Chair shall inform the FHC Coordinating Chair, who will inform the faculty member and the respondent(s), using **this template**. The FHC Panel may either direct the parties to mediation or schedule a hearing.
2. If the FHC panel determines that the alleged facts, if true, do not constitute a basis for a grievance or fall under the auspices of another committee, the FHC Panel Chair shall inform the FHC Coordinating Chair, who will inform the faculty member using **this template** and the matter shall be considered closed. In cases where the FHC Panel determines that there is insufficient basis for a grievance, the FHC Coordinating Chair will provide copies of the 607 petition and the determination form to the Senior Vice Provost for record maintenance.

**OP 9.7.4.5 Mediation Outcome (if applicable).** If mediation is recommended, the FHC Coordinating Chair and the Senior Vice Provost for Academic Affairs shall work with the faculty member initiating the request and the respondent(s) to determine if all parties are willing to participate and to schedule mediation. A decision by either party not to pursue mediation will not be held against that party in any way and no fault will attach to either party if mediation does not produce a settlement.

**OP 9.7.4.5.1 Mediation Agreement Notice**. If mediation is agreed upon and an agreement is reached in the mediation, the mediator will provide the FHC Coordinating Chair and the Senior Vice Provost with a simple, unelaborated statement and the matter shall be considered closed.

**OP 9.7.4.5.2 Notice of No Mediation Agreement.** If a mediation is held but an agreement is not reached, the mediator will provide the FHC Coordinating Chair and the Senior Vice Provost with a simple, unelaborated statement indicating the mediation has ended in impasse.

**OP 9.7.4.5.3 Process Post-Mediation** . Once the FHC Coordinating Chair is informed the mediation ended in impasse , the faculty member shall have the option to notify the FHC Coordinating Chair in writing within five (5) calendar days that they wish to move forward with a hearing. Upon receipt of the request to proceed with a hearing, meeting, or series of meeting the FHC Coordinating Chair shall inform the FHC Panel Chair, who shall proceed with scheduling. If the faculty member does not request to proceed within the five (5) calendar days, the FHC Coordinating Chair shall notify the parties that the matter is considered closed.

**OP 9.7.4.5.3 Use of Mediation Information in the Subsequent Hearing.** The mediator may not be called as a witness in any subsequent proceeding and nothing done or said by either party during a mediation process may be referred to or used against a party in any subsequent proceeding.

**OP 9.7.5 Procedures for Conduct of the 607 Grievance Hearing.** The hearing, meeting or series of meetings shall follow the General Procedures for Faculty Hearings (see *OP 9.3*) as well as any provisions specific to this section.

**OP 9.7.5.1 Purpose of the Grievance Hearing/Meeting or Series of Meetings**. The hearing provides the opportunity for both parties to present evidence and for the FHC Panel to collect and review the relevant information and facts. The FHC Panel provides a recommendation to the chancellor on the merits of the faculty member's contentions.

**OP 9.7.5.2 Burden of Proof.** The burden of proof is on the faculty member to establish by a preponderance of the evidence each of the allegation(s) in the grievance and that the faculty member is entitled to relief. The exception to this rule are cases of non disciplinary separation as defined in Section 602 (6)(d) of The Code which require the University to show by a preponderance of evidence that the faculty

member was unavailable based on the grounds provided in *Section 602 (6)(d) of The Code* and that reasonable steps were taken to avoid separation.

**OP 9.7.5.3 Advocates and Counsel**. Faculty shall not be permitted to be represented by an advocate or counsel at the hearing, meeting or series of meetings. However, faculty may seek guidance and advice from the FAC or counsel outside of the proceedings. Attorneys and advisors are not permitted to participate in the hearing, although a party may consult with her or his attorney or advisor during breaks in the hearing.

**OP 9.7.5.4 Written Record.** It is essential that all testimony and other evidence received by a FHC panel be preserved for review by the parties to the proceeding (i.e., the Chancellor, and, if applicable, the Board of Trustees). In these hearings, meetings, or series of meetings, the FHC panel shall maintain a complete transcript of the proceedings and a record of the evidence received. The Senior Vice Provost and FHC Coordinating Chair shall work together to support the FHC Panel in producing that transcript.

**OP 9.7.5.5 Location of the Written Record.** The written record of the hearing shall be considered part of the faculty member's personnel file and is confidential. Access to such materials is only allowable as provided by North Carolina law.

**OP 9.7.5.6 FHC Report.** The FHC panel shall forward its written report (formulated and distributed as indicated in OP 9.3.7 of *Academic Affairs Standard Operating Procedures*) to the FHC Coordinating Chair, who shall forward the report to the faculty member who requested the grievance hearing and the Senior Vice Provost, who shall forward the report to all parties to the 22 grievance, and the Chancellor within fourteen (14) calendar days after its hearing concludes or after the full transcript is received, whichever is later. The report shall indicate whether the faculty member has met their burden, and what if any, relief is recommended. In developing its report, the committee shall consider only the evidence presented by parties at the hearing, meeting or series of meetings and such written or oral arguments as the committee may allow.

**OP 9.7.5.7 The Chancellor's Decision.** Following receipt of the FHC panel's written report, the Chancellor shall decide whether to accept, reject or modify the FHC finding and recommendation. The Chancellor's decision shall be based on the record.

**OP 9.7.5.8 The Chancellor's Notice**. The Chancellor shall notify the faculty member and the respondent administrator(s) with a copy to the Provost and Executive Vice Chancellor of the Chancellor's decision in writing. The notification to the parties shall include a notice of any available appeal rights and the timeline for any available appeal.

**OP 9.7.5.9 Appeal to the Board of Trustees.** A decision in favor

of the faculty member may not be appealed. A decision not in favor of the faculty member may be appealed to the Board of Trustees within fourteen (14) calendar days after receipt of the Chancellor's decision.

**OP 9.7.5.10 Standard for BOT Review.** In order for the Board to reverse or modify the Chancellor's decision, the faculty member must demonstrate that the Chancellor's decision was clearly erroneous, violated applicable law or policy, or that the process used in deciding the grievance was materially flawed.

## OP 9.8 Mediation Procedure

**OP 9.8.1 Introduction.** Mediation is a process in which the disputing parties enlist the assistance of a neutral party to help them achieve a voluntary, mutual agreement that finally and definitively resolves all or portions of a grievance. Any such mediated agreement between the parties shall be reduced to a written resolution agreement.

**OP 9.8.2 Mediator Role.** A mediator serves as the neutral third party whose role is to guide the mediation process, facilitate communication, and to help the parties generate and evaluate possible outcomes. A mediator does not act as a judge, give advice, or render decisions regarding any matter.

**OP 9.8.3 Qualifications of the Mediator.** Any mediator chosen by the University must have successfully completed formal mediation training equivalent to that required for certification by the North Carolina Administrative Office of the Courts or have been formally trained in mediation specifically designed for use in a university setting. The mediator may be an available campus mediator, trained members of the faculty or staff, outside mediators from the community or mediators from another UNC System campus. The mediator in a 607 process may not be a faculty member who serves on the FAC or FHC.

**OP 9.8.4 Participant Roles.** Both parties (the faculty member and University representative(s)) should come to mediation prepared to tell their version of what happened, prepared to listen to the views of the other side, prepared to clearly state their requirements for resolving the grievance, and to be willing to negotiate in good faith a settlement agreement that will be mutually satisfying for both sides, if possible.

All parties are responsible for attending a scheduled mediation and informing the Senior Vice Provost should unavoidable circumstances arise that prevent attendance. All parties are expected to make a good faith effort to resolve the issues under consideration. The party initiating the mediation process must provide clear and concise information regarding the issues under consideration and the remedies sought.

**OP 9.8.5 Scheduling and Paying for Mediation.** Mediation shall be scheduled by the University through Academic Affairs. The University will cover the expense of a mediator. Mediation shall be scheduled within twenty (20) days of receipt of dispute under *Section 604* or *Section 607 of The Code*, except in extenuating circumstances.

**OP 9.8.6 Participants to Mediation.** Only the person(s) initiating mediation, the

respondent(s), and the mediator may attend the mediation.

**OP 9.8.7 Right to Consultation with Counsel/Advisor.** The participants will have the option to request a recess at any time during the mediation in order to obtain legal advice or consult with anyone they feel would be helpful as alternatives for resolution are discussed and to review the mediation agreement. That consultation may be via phone or electronic communication. The mediator shall determine the length of any breaks.

**OP 9.8.8 Location and Time Allocation for the Mediation.** The manner in which the mediation is conducted, either virtually, telephonic or in-person, shall be approved by the Senior Vice Provost. The mediation shall be scheduled for an amount of time determined by the mediator(s) to be sufficient. Mediation may be recessed by the mediator(s) and reconvened at a later time.

**OP 9.8.9 Confidentiality of Mediation**. All documents generated during mediation and any communications shared in connection with mediation are confidential.

**OP 9.8.10 Resolution through Mediation.** If a mutually agreeable resolution is reached through mediation, a written statement will be produced by the mediator detailing the agreement and will be signed and dated by all parties to the mediation. Any agreement proposing to obligate Appalachian State University must be signed by a university official with delegated signature authority for it to be binding.

**OP 9.8.11 Impasse.** If a mutually agreeable resolution cannot be reached through mediation. The mediator will let both parties know that they have reached an impasse and will end the mediation.

**OP 9.8.12 Notification to FHC Chair of Outcome of Mediation.** The mediator is required to notify the parties, the FHC Coordinating Chair, and any relevant administrators of the outcome of the mediation within twenty-four (24) hours of the completion of mediation.

**OP 10: Emeritus/Emerita/Emeritx**

**10.1 Emeritus Privileges:** Individuals who are conferred Emeritus/Emerita/Emeritx status under *Faculty Handbook 6.4* may be eligible for the following privileges in addition to the privileges accorded all retirees.

1. A university identification card (App Card)
2. The use of the University Library & electronic resources
3. University email account (appstate.edu)

a. Provides access to:

   i. Computer access to App State computer systems
   ii. Google Suite - gmail, drive, docs, etc. (Includes Notebook LM which is one of the Google AI tools)
   iii. AsULearn (access to courses taught for the past 37 months)
   iv. Zoom
   v. Qualtrics

4. Participate in sponsored research activities (including serving as principal/co-principal investigators)
5. And other such privileges may be extended by the Provost or Provost Designee

The privileges listed in this section are courtesies and not entitlements. The Provost may modify, supplement, or eliminate the privileges available in full or in part to those holding emeritus status at any time and for any reason.

**10.2 Requesting Exception to Eligibility.** A faculty member who does not meet either the minimum service or the full-time employment criterion may be considered for emeritus/a/x status if the faculty member has served Appalachian State University with notable distinction. The faculty member should be nominated for Emeritus/a/x status using the existing process and should include a separate statement with the application explaining why the university should grant an exception to the minimum criteria.

**10.3 Eligibility to Apply for Emeritus Faculty Status.** The earliest a faculty member may apply for emeritus faculty status is in their final year of employment.

## OP 11: Professionalism in Personnel Decision Making and Voting Eligibility

**OP 11.1 Professionalism in Personnel Decision Making.** Faculty are required to make professional judgments as part of personnel decision making. These judgments may involve activities such as considering applicants for faculty appointments, reappointment or subsequent appointment, promotion, and tenure as well as carrying out duties related to peer-observations of teaching, PTR, or employment hearings. There may be circumstances when a personal relationship exists between faculty members as designated in (or is sufficiently similar to) Sections 300.4.2 and 300.4.2 [G] of *The UNC Policy Manual*. In such cases, the faculty member must disclose the relationship and shall not be permitted to participate in discussion of, to vote regarding, or to carry out any other duty related to a personnel matter involving the faculty member with whom such a relationship exists. Additionally, if there are any ties between a faculty member and the person under consideration that could constitute a conflict of interest (as defined by the University's Conflict of Interest and Commitment Policy), those ties must be disclosed by the relevant faculty member(s) prior to participating in any activity related to a personnel matter. The appropriate Chair (Department, APT, FHC, etc.) as defined by policy shall determine if the disclosed tie requires recusal. If there are any questions regarding whether a faculty member shall be recused from participation in a personnel matter, the Senior Vice Provost shall be consulted. If the Chair (Department, APT, FHC, etc.) has the relationship or the conflict, the Senior Vice Provost shall be consulted and shall determine how to proceed.

**OP 11.2 Voting Eligibility.** Unless otherwise indicated in policy or procedure, faculty who are on the tenure-track or tenured, and full-time Special Faculty who hold appointments of at least one (1) year shall be eligible to vote on departmental or unit matters.